

CODE AMENDMENTS
OFFICIAL CODE OF COBB COUNTY
PART I. - CHAPTERS 2, 6, 14, 18, 54, 78, 83, 86, 102, 110, 114, 122, 126, and 134

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Board of Commissioners Public Hearing Dates
January 26, 2016 – 7:00 pm
February 9, 2016 – 9:00 am
February 23, 2016 – 7:00 pm

Planning Commission Public Hearing Date
February 2, 2016 – 9:00 am

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
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PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

CHAPTER 2. – ADMINISTRATION

ARTICLE V. ECONOMIC DEVELOPMENT*

*State law references: Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq.; Urban Redevelopment Law, O.C.G.A. § 36-61-1 et seq.; Development Authorities Law, O.C.G.A. § 36-62-1 et seq.

Sec. 2-166. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Economic Impact Requirement means that a target business shall generate sufficient governmental revenues to meet or exceed the ~~financial~~ net present value of incentives.

...

Sec. 2-171. Significant projects.

...

Furthermore, authority granted under this section and the provisions of subsections 2-169(1) and (2) of this article shall expire March 1, ~~2016~~2017, at which time this article shall revert to the provisions in existence at the time of their amendment, absent other action by the Cobb County Board of Commissioners to repeal or amend the referenced section(s) of the Official Code of Cobb County.

CHAPTER 6 – ALCOHOLIC BEVERAGES

ARTICLE I. – IN GENERAL

Section 6-1. – Definitions

...

Bottle house means any place of business open to the public or any private club which allows guests, patrons or members to bring in and to consume the guest's, patron's or member's alcoholic beverages on the premises unless otherwise provided in this Chapter. This definition includes restaurants with alcohol pouring licenses that allow alcohol to be brought on the premises and may charge a corkage fee. Restaurants that are bottle houses shall pay a license fee as provided in schedule F on file with the county clerk and the business license division.

...

Establishment means a business location that has received the applicable pouring license within certain mixed-use developments identified in Chapter 6-133.

...

Event venue means the location of a temporary event or gathering using public property that has the capacity to draw 20,000 participants on the day of the event.

...

1 Free standing vendor means any person or entity that is permitted to sell alcoholic beverages
2 from a cart, kiosk, or temporary structure for retail sales within certain mixed-use developments
3 identified in Chapter 6-133.
4

5 *Malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or
6 decoction of barley, malt, hops, or any other similar product, or any combination of such products in
7 water, containing ~~not more than six percent~~ alcohol by volume in accordance with state law and
8 including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include
9 sake, known as Japanese rice wine.
10

11 Major shareholder means an individual or entity that owns or controls a twenty percent (20%)
12 or more interest in a business establishment.
13

14 Tailgating means a social gathering of people in a designated area, for a specified, limited time
15 period, when and where food and alcoholic beverages may be consumed immediately preceding or
16 following an event at an event venue. Alcohol may not be sold, but attendees 21 and older can bring and
17 consume alcoholic beverages in compliance with approvals required in Chapter 6-134.
18

19 **ARTICLE III. – LICENSES**

20 **DIVISION 1. - Generally**

21 **Sec. 6-90. - License review board.**

22 ...
23 (b) The license review board established by this section shall have the following duties:
24

25 ...
26 (3) To hear matters involving any revocation, suspension or other disciplinary action against the
27 holder of any work permit or alcoholic beverage license.
28

29 ...
30 (f) A decision of the license review board related to work permits shall be final and may be
31 appealed in accordance with 6-207(i). Other decisions of the license review board shall be final unless
32 appealed to the board of commissioners within ten days of the date of decision by the license review
33 board. The board of commissioners shall review a summary of the hearing before the license review
34 board within 30 days of the date of the license review board's recommendation to waive the distance
35 requirements of section 6-124 or 6-125 or direct the business license division manager to place the
36 matter down for a hearing and take any authorized action concerning the applicant's requested license.
37 If the board of commissioners opt to review a summary of the hearing before the license review board it
38 may, after such review, place the matter down for a hearing and take any authorized action concerning
39 the applicant's requested license or licenses. No license shall be issued until the board of commissioners
40 has reviewed the summary and made a decision on whether to place the matter down for hearing. In
41 the event the board of commissioners affirms the decision of the license review board to issue a license,
42 the appropriate license or licenses shall be issued.
43

DIVISION 2. - ISSUANCE STANDARDS

Sec. 6-117. - Circumstances prohibiting issuance.

- (3) That the applicant has violated any law, regulation or ordinance relating to such business within a ~~ten~~ five-year period immediately preceding the date of application.

Section 6-133. – Special provisions and exemptions within certain mixed-use developments.

- (a) The provisions of this section are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within certain large mixed-use development districts, as hereinafter defined, holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this section, all such licensees remain subject to all other provisions of the county's alcoholic beverage ordinance.
- (b) For the purposes of this section only, a *mixed-use development district* is defined as a development that is zoned RRC with a public event venue with permanent seating in excess of 20,000 seats (and to include attendant parking facilities) and may include a mixture of retail, restaurants, entertainment, office space, and hotel units.
- (c) The county minimum distance requirements for on-premises consumption establishments in a mixed-use district are waived. All state minimum distance requirements to properties outside of the boundaries of such certain mixed use development districts shall remain in effect.
- (d) Outside consumption of alcoholic beverages permitted as follows:
- (1) The areas designated for the outside consumption of alcoholic beverages shall be depicted on a plan, presented by the applicant, that shall be approved by both the mixed-use development district management and the board of commissioners and include locations where free standing vendors (as distinguished from a licensed premises) may sell alcoholic beverages within the designated area. Areas designated for the outside consumption of alcoholic beverages must include methods for verifying identification, determining eligibility for adults to purchase and consume alcoholic beverages, and ensuring minors will not be served alcohol beverages.
- (2) *Drinking from glass bottle or other glass container prohibited.* It shall be unlawful for any person to drink or attempt to consume any alcoholic beverage from a *glass bottle or other glass container*, or to possess in an open bottle or glass any alcoholic beverage in the area designated for outside consumption of alcoholic beverages.
- (3) *Purchase from licensed premises within mixed-use development districts.* Alcoholic beverages consumed, within the area designated for outside consumption, pursuant to these provisions must be purchased from a licensed premise or approved free standing vendor within the mixed-use development district.
- (4) *Consumption limited to lawful hours of operation.* No alcoholic beverage purchased pursuant to this provision shall be consumed except within the authorized hours of sale.
- (5) *Two drink on-street limit.* Any establishment or free standing vendor licensed to sell alcoholic beverages by the drink for consumption is authorized to dispense alcoholic beverage(s) in a paper or plastic cup, or other container other than a *glass bottle or other glass container*, for consumption in the designated area as depicted in the approved plan as described in 6-133(d)(1). However, no establishment shall dispense to any person more than two such alcoholic beverages at a time. No alcoholic beverage container shall be more than twenty-four (24) fluid ounces in size. No individual shall have more than two open containers of alcoholic beverages in their possession.

- (e) Section 6-133 contains specific regulations pertaining to the sale and consumption of alcoholic beverages. Areas that are permitted to operate in conformity with Section 6-133 are not considered a bottle house as defined in this Chapter.
- (f) **Violation of 6-133 is a misdemeanor.**
Any person who violates Sections 6-133 is guilty of a misdemeanor.
- (1) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (2) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (3) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (4) Fourth conviction. Any person convicted of four or more violations of this section shall be subject to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and aggravated nature.

6-134. – Tailgating.

- (a) The provisions of Chapter 6-134 are intended to set forth certain exceptions and provisions applicable only to areas that have been established as a location approved for tailgating.
- (b) Definitions for the purposes of Chapter 6-134 only:
- (1) Mixed-use development district means a development that is zoned RRC and may include a mixture of retail, restaurants, entertainment, office space, hotel units, and a public event venue with permanent seating in excess of 20,000 seats (and to include attendant parking facilities).
- (2) University means an educational institution designed for instruction, examination, or both, of students in many branches of advanced learning, and authorized to confer various degrees.
- (c) Tailgating is permitted as follows:
- (1) The areas designated for tailgating shall be depicted on a plan, presented by the applicant, that shall be approved by both the mixed-use development district management or the university and the board of commissioners.
- (2) Tailgating area plans shall include:
- a. Area(s) where the outside consumption of alcoholic beverage shall be allowed;
- b. Locations of permanent or temporary public restroom facilities;
- c. Locations of areas designated for outdoor cooking;
- d. Locations of trash receptacles and recycling containers; and
- e. Prohibition on littering.
- (d) Prohibition of the sale of alcoholic beverages, food products or other items related to the event activities. The outside consumption of alcoholic beverages shall be allowed when they are transported to the designated areas for personal consumption. No beverage, alcoholic or otherwise, or food product shall be sold or purchased within the area(s) designated for tailgating;
- (e) Drinking from glass bottle or other glass container prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a glass bottle or other glass container, or to possess in an open bottle or glass any alcoholic beverage in the area designated for outside consumption of alcoholic beverages.
- (f) Section 6-134 contains specific regulations pertaining to the consumption of alcoholic beverages. Areas that are permitted to operate in conformity with Section 6-134 are not considered a bottle house as defined in this Chapter.
- (g) **Violation of 6-134 is a misdemeanor.**
Any person who violates Sections 6-134 is guilty of a misdemeanor.

- (1) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (2) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (3) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
- (4) Fourth conviction. Any person convicted of four or more violations of this section shall be subject to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and aggravated nature.

DIVISION 3. – FEE, SUSPENSION, REVOCATION OR TRANSFER

...

Sec. 6-147. Procedure for fee, suspension and revocation.

- (a) It is determined that the following are violations:
 - (1) When a licensee or anyone in the employ of a licensee is charged with, arrested for, or convicted of selling alcoholic beverages to an underage person or persons or on Sunday without necessary Sunday sales license;
 - (2) When a licensee or anyone in the employ of a licensee is charged with, arrested for, or convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year; or
 - (3) When a licensee or anyone in the employ of a licensee is charged with, arrested for, or convicted of selling alcoholic beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the previous 24 months.
- (b) The police department shall notify the business license division manager if any violation of Section 6-147(a) occurs.
- (c) Fees for first offense of any violation in Section 6-147(a)
 - (1) The business license manager shall collect a fee of \$750.00 from the licensee in lieu of placing the matter for hearing by the license review board for any first offence of the violations set forth in Section 6-147(a), unless licensee has any criminal history within the past five (5) years. The licensee shall have ten (10) days from the date of notification by the business license manager to pay the fee. Failure to pay the fee within the required timeframe will results in an automatic three (3) day suspension of their license.
 - (2) The license holder that has been charged with a violation of Section 6-147(a) may appeal the fee and request a hearing by the license review board as further defined in the section.
- ~~(a)(d)~~ No alcoholic beverage license which has been issued or which may hereafter be issued shall be suspended or revoked except for due cause as defined in this ~~section~~ Section, after a hearing and upon written notice to the holder of such license of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held.
 - (1) Once the business license manager becomes aware of any reason for a possible suspension or revocation, he/she shall place the matter for hearing by the license review board. A minimum of three days' notice of the hearing date shall be provided to the licensee.
 - (2) Due cause for the suspension or revocation of such license shall consist of one or more of the following:
 - a. The ~~the~~ violation of any laws or ordinances regulating such business or for the violation of any state or federal law;
 - b. ~~for any~~ Any change in the area where such business is located, which change is deemed by the board of commissioners to cause such business in such area to be undesirable;

- 1 c. ~~or any~~ Any reason which would authorize the board of commissioners to refuse the issuance
2 of a license;
3 d. ~~or any~~ Any violation of this chapter; or
4 e. a second offense of any violation of Section 6-147(a).

5 ~~A minimum of three days' notice shall be provided to the licensee. Due cause for the suspension or~~
6 ~~revocation of such license shall consist of the violation of any laws or ordinances regulating such~~
7 ~~business or for the violation of any state or federal law; or for any change in the area where such~~
8 ~~business is located, which change is deemed by the board of commissioners to cause such business in~~
9 ~~such area to be undesirable; or any reason which would authorize the board of commissioners to refuse~~
10 ~~the issuance of a license; or any violation of this chapter. Further, the police department shall notify the~~
11 ~~business license division manager of a licensee or anyone in the employ of a licensee (i) being charged~~
12 ~~with or arrested for selling alcoholic beverages (A) to an underage person or persons or (B) on Sunday~~
13 ~~without necessary Sunday sales license or (ii) being convicted of selling alcoholic beverages to an~~
14 ~~intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year. Once the business~~
15 ~~license division manager becomes aware of such charge, charges, arrest or conviction he shall place the~~
16 ~~matter for hearing by the license review board.~~

17 (3) Due cause hearing. The license review board at such hearing shall hear evidence of the
18 circumstances of the possible due cause ~~sale to the underage person or persons, of the~~
19 ~~unauthorized Sunday sale, or the sale to an intoxicated person or persons and after said hearing~~
20 ~~may recommend that the license to sell alcoholic beverages be suspended for a maximum of 12~~
21 ~~months or revoked. In addition, the~~ The license review board, and the board of commissioners,
22 if applicable, ~~may recommend that a responsible alcohol sales and service workshop approved~~
23 ~~by the business license division manager be attended by the licensee at the licensee's expense.~~
24 may consider mitigating and aggravating circumstances in considering sanctions, including but
25 not limited to, attendance of a responsible alcohol sales and service (RASS) workshop,
26 implementation and components of written policies, that employees have or do not have
27 alcoholic beverage work permits, implementation and results of mystery shopper program,
28 implementation and components of a training program, number of violations of business,
29 number of violations of licensee, number of stores, length of time in business, compliance check
30 was due to a complaint, identification was not checked, and any other facts deemed relative by
31 the fact finder.

32 (4) Affirmation by Board of Commissioners. If the license review board recommends suspension or
33 revocation and the owner of the alcoholic beverage license, the licensee or both should fail to
34 appeal such suspension or revocation recommendation, then the suspension or revocation shall
35 become effective upon affirmation by the board of commissioners of such suspension or
36 revocation recommendation and the owner of the alcoholic beverage license and the licensee
37 shall be deemed to have acquiesced to such suspension or revocation. The board of
38 commissioners shall, within 60 days of the license review board action, review a summary of the
39 hearing before the license review board wherein the alcoholic beverage license was considered
40 for suspension or revocation (the summary shall be prepared by the business license division
41 manager) and the board of commissioners after such review may place the matter down for a
42 hearing or affirm or alter the decision of the license review board. Should the board of
43 commissioners place the matter down for hearing, the board of commissioners after such
44 hearing may place on probation, suspend, for a maximum of twelve (12) months, with or
45 without conditions, or revoke the alcoholic beverage license.

46 (5) Appeal.

- 47 a. In the event the license review board recommends that the alcoholic beverage license be
48 suspended or revoked, the owner of the alcoholic beverage license, the licensee or both

1 may file an appeal with the business license division manager of such recommendation
2 within ten days to the board of commissioners. The board of commissioners shall conduct a
3 de novo review and any additional evidence may be presented at the appeal hearing.
4 b. If a hearing occurred before the board of commissioners, such decision is final unless appeal
5 is made to the superior court of the county. Any aggrieved party may appeal a decision of
6 the board of commissioners by filing a petition for writ of certiorari to the superior court
7 within 30 days of the decision of the board of commissioners.
8 ~~(b)~~(e) In all hearings held pursuant to this section, the proceedings shall be as informal as compatible
9 with justice, the hearing shall be expedited and normally shall not exceed 30 minutes in length, and
10 the following procedures shall prevail:
11 (1) The charges and specifications against the licensee and the response as filed by the licensee
12 shall be read.
13 (2) The county representative shall present evidence, and then the licensee shall present his
14 evidence, with opportunity for each party to present rebuttal evidence, examination and cross
15 examination of witnesses, and interrogation by the board of commissioners. No evidence shall
16 be presented which is not relevant to the charges.
17 ~~(c) After the hearing under this section if the board of commissioners determines due cause to~~
18 ~~exist, the board of commissioners may suspend for a maximum of 12 months with or without~~
19 ~~conditions, place on probation for a maximum of 12 months, with or without conditions, or revoke the~~
20 ~~license or holder.~~
21 ~~(d)~~(f) In the event a license to sell alcoholic beverages is suspended a sign issued by the business
22 license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with
23 the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO THE OWNER AND LICENSEE
24 OF THIS BUSINESS HAS BEEN SUSPENDED FROM _____ TO _____ AS A RESULT OF
25 SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN
26 UNAUTHORIZED SUNDAY SALE." In the event a license to sell alcoholic beverages is revoked a sign
27 issued by the business license office shall be placed at each entrance to the facility wherein alcoholic
28 beverages were sold with the sign providing, "THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO
29 THE OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN REVOKED AS A RESULT OF SELLING ALCOHOLIC
30 BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY
31 SALE." The sign shall stay in place for the period of suspension or in the case of a revocation for a period
32 of 30 days.
33

34 **ARTICLE IV. – OPERATING REGULATIONS FOR LICENSED ESTABLISHMENTS**

35 **DIVISION 1. – GENERALLY.**

36 ...

37 **Sec. 6-183. Temporary Alcoholic Beverage Licenses for Trade Shows.**

38 A trade show organization or entity that desires to serve alcoholic beverages temporarily (no more than
39 three (3) days) for tasting and/or sampling shall obtain a temporary alcoholic beverage license to serve
40 alcoholic beverages for consumption on the premises of the event. A tasting and/or sample size shall not
41 exceed two (2) ounces.
42

43 **Secs. 184 – 190. – Reserved.**

44 ...

DIVISION 3. - EMPLOYEES

Sec. 6-206. Employment of persons with prior convictions.

No licensee shall employ, for compensation or otherwise, in any premises for the sale of alcoholic beverages or the operation of a bottle house under this chapter any person in a capacity requiring a work permit under section 6-207 who is not a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Citizenship and Immigration Services or who has been convicted within three years immediately prior to the application for employment of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, ~~one two~~ or more Under 21 DUIs or any conviction ~~charge~~ relating to the sale or furnishing of alcoholic beverages, or who has been convicted within five years immediately prior to the application for employment of any felony drug conviction, felony sex offense, or any other crime involving moral turpitude, of two or more convictions of driving under the influence, of two or more convictions of possession, consumption, or attempt to purchase alcohol by an underage person; or ~~of any charge relating to the unlawful possession, use or manufacturing of an authentic or fraudulent driver's license or ID or for whom there exists any outstanding warrant charging such person with any crime described in this section,~~ provided that this section shall not apply to private clubs as defined in this chapter. ~~If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a verdict or dismissal.~~ The omission or falsification of any material information in an application for an alcoholic beverage permit shall be a violation of this chapter and grounds for the denial, suspension or revocation of any such permit; however, any employees excluded from employment under the terms of this section shall have the right to appeal such exclusion to the license review board.

Sec. 6-207. - Work permits.

- (a) *For whom required.* It is the responsibility of the licensee and designee as stated in sSection 6-92(g) to ensure that the employees required under this code section obtain and possess the required work permit issued by the county police department prior to working. Employees for the purposes of this section shall include independent contractors. Failure of an employee to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and shall be is grounds for suspension or revocation of the license and/or the employee's work permit. A permit to work in any of the following establishments shall be required of the following:
- (1) All employees of package stores.
 - (2) All employees of convenience stores.
 - ~~(23)~~ All employees of businesses with a pouring license who serve or sell alcohol, except busboys, cooks, dishwashers, hostesses, maintenance and administrative staff. Notwithstanding the exception by title in this subsection, any employee serving or selling food or alcohol in an establishment with a pouring license is required to obtain a work permit.
 - ~~(34)~~ In all businesses for which an alcohol license has issued, except as provided in Section 6-207 (b), Aall managers, employees serving in a managerial capacity, and any employee person providing security, including independent contractors, to any establishment with a package or pouring license, whether or not any such persons sells or serves alcohol, ~~shall be required to have a work permit.~~
 - ~~(4)~~ All employees of convenience stores. The licensee to whom an alcoholic beverage license has been issued under this chapter shall not be required to obtain a work permit. Employee for the purposes of this section shall include independent contractors.

1 (b) Not required. A work permit is not required of the following:

2 (1) The licensee to whom an alcoholic beverage license has been issued under this chapter.

3 (2) An approved substitute licensee, as approved by the business license division.

4 (3) Any person authorized by law to serve alcoholic beverages and is working at a temporary, non-
5 profit fundraising event for which an alcoholic beverage license has been issued under this
6 chapter.

7 (4) Any person authorized by law to serve alcoholic beverages and is working at a temporary trade
8 show event for which a temporary alcoholic beverage license has been issued under this chapter

9 ~~(b)~~ (c) Application, issuance, denial. Except as otherwise provided, no person requiring a work permit may
10 be employed by an establishment holding a license under this chapter until such person has been
11 issued a work permit from the county police department indicating the person is eligible for
12 employment. ~~The work permit is valid for employment at one business only. The permit may be~~
13 ~~transferred to another business location, without approval, provided that the ownership of the~~
14 ~~business is the same as the previous location. If the ownership of the business is different, the~~
15 ~~person with the work permit must apply and be approved by the Cobb County Police Department in~~
16 ~~order for the work permit to be valid. All applications required by this section shall be filed with and~~
17 ~~investigated by the police department, and such investigation shall to include, among other things,~~
18 ~~an investigation of the criminal record, if any, of the applicant. No work permit shall be issued by the~~
19 ~~police department if the applicant has violated any of the provisions of Section 6-206 hereof. Any~~
20 ~~applicant who is denied an alcoholic beverage work permit shall have the right to appeal such~~
21 ~~decision to the license review board. Appeals to the Cobb County License Review Board regarding~~
22 ~~the denial of an alcoholic beverage work permit must be filed with the Cobb County Business~~
23 ~~License Division within 30 days of the denial. After a hearing, the license review board may~~
24 ~~approve or deny the work permit. The decision shall be final unless appealed in accordance with 6-~~
25 ~~207(i).~~ In addition, after the hearing, the license review board may recommend to the board of
26 commissioners approval of a work permit to an employee whose application was originally denied
27 based upon any conditions deemed appropriate by the license review board. Denied applicants
28 ~~that who~~ fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work
29 permit for 12 months from the date of the denial.

30 ~~(c) Time limit. All persons subject to the provisions of this section shall, prior to the date of their first~~
31 ~~work in an establishment holding a license to sell alcoholic beverages, make application for a work~~
32 ~~permit to the county police department. Work permit requirements do not apply to temporary,~~
33 ~~nonprofit fundraising events.~~

34 (d) Training of permit holders.

35 ...

36 (3) Detailed records of such training, including the content, date, time, persons attending and copy
37 of any pre/post test, shall be maintained for a minimum of 36 48 months of after the training.
38 Evidence of such training records shall be made available upon request for inspection by the
39 county.

40 ...

41 ~~(e) Permit term; prescribing fee.~~ Any work permit for employment issued under this section shall expire
42 12 months from the date of issuance unless earlier suspended or revoked as provided in this section.
43 ~~The police department may prescribe regulations for certifying the eligibility for continued~~
44 ~~employment without the necessity of the employee's being fingerprinted and may prescribe~~
45 ~~reasonable fees for certifying the eligibility for employment.~~

46 (f) Possession of permits by employees. Employees holding permits issued pursuant to this section shall
47 at all times during their working hours have the permits available for inspection ~~at the premises.~~

- 1 (g) *Exclusion.* This section shall not apply to private clubs.
2 (h) *Work permit requirement.* At all times that the business is open the licensee shall have at least one
3 person on the premises who has a valid work permit.
4

5 **(Option #1 – based upon original code amendment – LRB makes all final decisions)**

- 6 (i) *Grounds for suspension, revocation, ~~probation.~~* No permit which has been issued or which may
7 hereafter be issued under this section shall be suspended or, ~~revoked or placed on probation~~ except
8 for due cause as defined in this subsection, and after a hearing and upon written notice to the
9 holder of such permit of the time, place and purpose of such hearing and a statement of the charge
10 or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided
11 to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall
12 consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the
13 violation of any state, federal or local ordinances set out in Section 6-206; or for the omission or
14 falsification of any material in any application; or for any reason which would authorize the refusal
15 of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license
16 review board and shall be conducted in the manner provided in Section 6-147(b). After the hearing
17 if the license review board determines due cause exists, the license review board may ~~recommend~~
18 decide to the board of commissioners to deny, suspend or, ~~revoke or place on probation for a~~
19 ~~maximum of 12 months, with or without conditions, the permit. The board of commissioners shall,~~
20 ~~within 60 days of the license review board's recommendation, review a summary of the appeal or~~
21 ~~show cause hearing before the license review board wherein the work permit was considered for~~
22 ~~issuance, suspension or revocation (the summary shall be prepared by the business license division~~
23 ~~manager) and the board of commissioners after such review will either concur with~~
24 ~~recommendations of the license review board or choose to place the matter down for a hearing.~~
25 ~~Should the board of commissioners place the matter down for hearing the board of commissioners,~~
26 ~~after such hearing, may issue or deny the work permit, or suspend or revoke the work permit or~~
27 ~~place the employee on probation. After the board of commissioners meeting, the such~~
28 ~~determination, a representative of the business license office will notify the Cobb County Police~~
29 ~~Department Permits Unit of the decision. If the permit was approved for issuance by the board of~~
30 ~~commissioners, the Cobb County Police Department Permits Unit will notify the applicant that the~~
31 ~~permit has been approved. A decision by the license review board to deny, suspend, or revoke a~~
32 ~~work permit shall be final unless appeal is made to the superior court of the county. Any aggrieved~~
33 ~~party may appeal such decision The employee whose work permit was not issued or whose work~~
34 ~~permit was denied, probated, suspended or revoked may appeal the board of commissioners~~
35 ~~decision pursuant to Section 6-147 hereof. The decision of the board of commissioners may be~~
36 ~~appealed by filing a petition for writ of certiorari to the Superior Court of Cobb County within 30~~
37 ~~days of the decision of the board of commissioners.~~
38

39 **(Option #2 – altered code amendment – LRB makes final decisions on approvals that are a**
40 **supermajority of the LRB and denials can be appealed to the BOC)**

- 41 (i) *Grounds for suspension, revocation, ~~probation.~~* No permit which has been issued or which may
42 hereafter be issued under this section shall be suspended or, ~~revoked or placed on probation~~ except
43 for due cause as defined in this subsection, and after a hearing and upon written notice to the
44 holder of such permit of the time, place and purpose of such hearing and a statement of the charge
45 or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided
46 to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall
47 consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the
48 violation of any state, federal or local ordinances set out in Section 6-206; or for the omission or

falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board and shall be conducted in the manner provided in Section 6-147(b).

After the hearing, if the license review board may decide to:

- (1) Approve the work permit by an affirmative vote by a supermajority of the license review board. In such cases, the approval shall be final;
- (2) Approve the work permit by an affirmative vote of less than a supermajority of the license review board. In such cases the board of commissioners shall, within 60 days of the license review board's decision, review a summary of the of the appeal or show cause hearing before the license review board wherein the work permit was considered for issuance and the board of commissioners after such review will either concur with recommendations of the license review board or choose to place the matter down for a hearing; or
- (3) ~~determines due cause exists and, the license review board may recommend to the board of commissioners to Deny, suspend or, revoke or place on probation for a maximum of 12 months, with or without conditions, the work permit, when it is determined that due cause exists. The employee whose work permit was denied, suspended, or revoked may appeal the license review board decision to the board of commissioners.~~ The board of commissioners shall, within 60 days of the license review board's decision recommendation, review a summary of the appeal or show cause hearing before the license review board wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review will either concur with recommendations of the license review board or choose to place the matter down for a hearing.

Should the board of commissioners place the matter down for hearing the board of commissioners, after such hearing, may issue or deny the work permit, or suspend or revoke the work permit ~~or place the employee on probation.~~ After the board of commissioners meeting, the final determination by the license review board or board of commissioners, a representative of the business license office will notify the Cobb County Police Department Permits Unit of the decision. If the permit was approved for issuance by the board of commissioners, the Cobb County Police Department Permits Unit will notify the applicant that the permit has been approved. The employee whose work permit was not issued or whose work permit was denied, probated, suspended or revoked may appeal the board of commissioners decision pursuant to Section 6-147 hereof. The decision of the board of commissioners may be appealed by filing a petition for writ of certiorari to the Superior Court of Cobb County within 30 days of the decision of the board of commissioners.

...

CHAPTER 14 – AVIATION

ARTICLE II. – MCCOLLUM AIRPORT

DIVISION 6. FIXED-BASE COMMERCIAL AERONAUTICAL OPERATIONS

Sec. 14-116. - Lease or Operating Agreement required.

All commercial aeronautical operations, ~~commercial operations of any kind or type conducted on the airport requiring a lease, sublease, operating agreement, and/or sub-operating agreement with the county shall not be conducted on the airport unless~~ approved by the board of commissioners or approved by a duly authorized representative of the board of commissioners who may only approve

subleases or sub-operating agreements that meet or exceed the Cobb County Airport Minimum
Standards.

...

CHAPTER 18. – BUILDING REGULATIONS.

ARTICLE XIII. - DEVELOPMENT BLASTING

~~Sec. 18-360. – Bonds and escrow agreements.~~

If a bond is deemed necessary by the Cobb County Department of Public Safety and required as
a condition of permit approval, it must be in a form prescribed by the county and found legally sufficient
by the county attorney's office.

If required, escrow agreements must be executed on the form required by Cobb County and
funded with cash. Prior to issuance of a blasting permit, the escrow agreement may be reviewed and
approved by the county attorney's office. In all instances the county will act as the escrow agent. Funds
will be disbursed from the escrow account in accord with the terms of the agreement and [section 18-
363](#).

The sole purpose of this escrow agreement is to compensate property owners for damage
(cosmetic or structural) to their property resulting from the blasting activity. To ensure sufficient funds
will be available for payment, the agreement must include a provision for replenishment to maintain the
minimum \$50,000.00 balance.

Disbursements from the escrow account will be made by the county based upon the decision of
the arbiter as a result of binding arbitration proceedings. The applicant is solely responsible for the costs
associated with the arbitration proceedings.

~~Sec. 18-3601. - Limitations on blasting intensity.~~

(a) Blast intensity will be measured in all four compass directions at the nearest structure not owned
by the developer, as measured from the boundary of the blast site. If no structure exists within
one mile of the blast site, then the measurement will be taken at the one mile mark in the
direction of the nearest structure or at an alternative location specifically identified by the
approved blasting permit. Subsequent to the issuance of the blasting permit, the ~~The~~ director has
the discretion to require monitoring of intensity levels at alternate locations not under the
ownership or control of the developer, user, or blaster if such is warranted based upon
complaints received by the county after the blasting activity begins. These alternate locations
may be inside or outside the overall development project boundary.

...

~~Sec. 18-362. – Limitation on blasting activity.~~

(a) ~~Blasting activity proposed within 450 feet of a structure or roadway may be permitted if all
requirements of Chapter 120-3-10.06 (Close Proximity Blasting) of the Rules and Regulations of the
Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9 are met,
including but not limited to:~~

~~(1) A seismograph shall be used at the nearest structure during close proximity blasting and the
velocity/shock wave shall not exceed two inches per second.~~

~~(2) Seismograph measurements shall be used at the nearest structure in each blast in which the
standard table of distance is not being applied.~~

- 1 ~~(3) For close proximity blasting only package, measured or metered explosives shall be used.~~
2 ~~(4) A drill log shall be maintained on all close proximity blasting to allow the blasting supervisor to~~
3 ~~monitor the drilling process closely and to take the appropriate action if an anomaly occurs.~~
4 ~~(5) Drill hole depth shall be held to a maximum of 20 feet of solid rock when conducting close~~
5 ~~proximity blasting. Exception: When conducting blasting operations following the guidelines in~~
6 ~~NFPA 295, Chapter 8, paragraph 8.1, Ground Vibration, which establishes peak particle velocity~~
7 ~~limits and requires utilization of the scaled distance equations.~~
8 ~~(6) The diameter of the bore hole shall not exceed 3 inches when conducting close proximity~~
9 ~~blasting. Exception: Diameter of the bore hole may be increased not to exceed four inches when~~
10 ~~using three-inch cartridges to allow periphery for free insertion of the cartridge.~~
11 ~~(7) Stemming material for close proximity blasting shall be gravel or crushed stone.~~
12 ~~(8) Close proximity blasting shall have matting. The type of and quality shall be a contractor's~~
13 ~~preference, but not less than simple topsoil or a manmade material like synthetic rubber.~~

14
15 **Sec. 18-3613. - Blasting permit issuance; standard permit conditions.**

- 16 ...
17 (d) *Standard conditions.* The following provisions constitute the standard conditions applicable to
18 development blasting permits:

- 19 ...
20 (5) Where required by the Director, ~~No~~ detonation of explosives (blasting) may occur without
21 appropriate county staff on site.
22 (6) Notice of the ~~proposed~~ exact blast time and date must be provided to the Cobb County
23 Department of Public Safety 1 hour prior to the blast.
24 ...
25 (8) A record of each blast must be maintained in accordance with ~~section 18-364 and in accordance~~
26 Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and
27 per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9. Records shall be made available to the Director up
28 on request.

29 ...
30
31 **Sec. 18-3624. - Record keeping.**

32 The permit applicant (user) is responsible to maintain a record of each blast in accordance with
33 Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and per
34 O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9. ~~A copy of the record must be filed with the Cobb County~~
35 ~~Department of Public Safety no later than 10:00 a.m. of the workday following the blast.~~ All original
36 blasting records must be retained by the user responsible for the blasting activity for at least three years
37 following the conclusion of the blasting activity, in accordance with Chapter 120-3-10 of the Rules and
38 Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9.
39 The blasting records must include all information required Chapter 120-3-10 of the Rules and
40 Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9;
41 including but not limited to:

- 42 ~~(a) Name, address and license number of the user responsible for the blasting activity;~~
43 ~~(b) Name, address, and permit number of the blaster conducting the blasting activity;~~
44 ~~(c) Date, time and location of the blast;~~
45 ~~(d) Blast pattern diagram and firing times;~~
46 ~~(e) Type of material blasted;~~
47 ~~(f) Number of holes, spacing, burden;~~

- ~~(g) Number of wet holes and water depth;~~
 - ~~(h) Diameter and depth of holes;~~
 - ~~(i) Type of explosives used;~~
 - ~~(j) Amount of explosives used;~~
 - ~~(k) Maximum amount of explosives/pounds per delay;~~
 - ~~(l) Maximum number of holes per delay;~~
 - ~~(m) Method of firing and type of circuit;~~
 - ~~(n) Weather conditions (including factors such as wind direction, temperature, cloud cover, etc.);~~
 - ~~(o) Height of length of stemming;~~
 - ~~(p) Type of stemming used;~~
 - ~~(q) Whether mats or other types of protection were used; type of mats used;~~
 - ~~(r) Type of detonators used (i.e. electronic or non-electronic);~~
 - ~~(s) Number of detonators used;~~
 - ~~(t) Number of primers used;~~
 - ~~(u) Number of holes decked; deck separation; weight of explosives per deck; depth of decking;~~
 - ~~(v) Location of each seismograph; set up procedure used;~~
 - ~~(w) The PPV, airblast overpressure and frequency measurements for the blast;~~
 - ~~(x) Global position system direction and distance in feet to the nearest building in each compass direction;~~
 - ~~(y) Copy of strip tape from seismograph showing readings, marked with date, time and machine location, and signed by seismograph operator;~~
 - ~~(z) Type and make of blasting machine; and~~
 - ~~(aa) "Blaster Certification Card" as required by Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9.~~
- ~~{Ord. of 2-27-07}~~

~~Sec. 18-365. Blast vibration monitoring.~~

~~All blasts must be monitored using seismograph equipment that meets the criteria and requirements of Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9 including, but not limited to:~~

- ~~(a) *Seismograph equipment.* The instrumentation used must meet the following minimum criteria:~~
 - ~~(1) Capable of measuring the three mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source. The equipment must be capable of measuring a frequency response of 2 to 200 Hz, with no greater than a 3dB roll off, and PPV of up to at least ten inches per second; and have an airblast channel frequency range of .1 to 200 Hz, 2 to 200 Hz, 5 or 6 to 200 Hz.~~
 - ~~(2) Capable of recording the full wave form from a single blast as well as continuous monitoring.~~
 - ~~(3) Capable of providing a contemporaneous printed hard copy (strip chart) of the full wave form and PPV data in the field as well as recording digital data as a permanent record. Instruments limited to recording seismic activity at a remote location for later retrieval and dissemination may not be used to meet LDC requirements, they will be considered supplemental only.~~
 - ~~(4) Each piece of the monitoring equipment must be labeled with a serial number. This serial number must be cross referenced or otherwise identified on the field print out copy as well as the permanent digital record.~~
 - ~~(5) Components of the monitoring equipment must be calibrated as a unit and remain together as a unit for the duration of the permitted blasting activity. Mixing various pieces together that were not calibrated for use as a unit will not satisfy the requirements of this section.~~

- 1 ~~(6) Monitoring equipment must be calibrated at least once every 6 months or in accordance with~~
2 ~~the manufacturer's written instructions and recommendations. Written documentation as to~~
3 ~~the calibration, including identification of the unit parts, who performed the calibration and the~~
4 ~~standard used, must accompany the instruments and be available for immediate inspection~~
5 ~~upon request by the county.~~
6 ~~(b) Set up of seismograph equipment.~~
7 ~~(1) Set up of the equipment must be in accordance with accepted industry standards as identified~~
8 ~~by the International Society of Explosive Engineers or the US Department of Interior, Bureau of~~
9 ~~Mines Report RI 8508, as may be amended from time to time.~~
10 ~~(2) Seismograph equipment must be set up at the locations approved as part of the blasting plan~~
11 ~~(3) Whenever possible, monitoring equipment must be placed in undisturbed soil. Placement on~~
12 ~~driveways, walkways or slabs must be avoided.~~
13 ~~(4) The director or designee may require additional monitoring devices if, after a field inspection~~
14 ~~with the monitors in place, additional monitoring appears appropriate or necessary to establish~~
15 ~~compliance with the provisions of this article.~~
16 ~~(c) Location of seismograph equipment. Blast intensity must be monitored in all four compass~~
17 ~~directions. Seismic monitoring equipment must be located at the nearest structure not owned by~~
18 ~~the developer that is within one mile of the blast site boundary. If no structure exists within one~~
19 ~~mile of the blast site, then the measurement will be taken at the one mile mark in the direction of~~
20 ~~the nearest structure, or as otherwise determined by the blasting permit approval.~~
21 ~~(d) Inspection of seismograph equipment. The Cobb County Department of Public Safety may inspect all~~
22 ~~monitoring equipment prior to the blast if deemed necessary. The user or developer must facilitate~~
23 ~~these inspections, including the provision of transportation over difficult terrain, if necessary.~~
24 ~~(e) Contemporaneous reporting requirements. A copy of the paper read out (strip chart), or other media~~
25 ~~specifically approved by the director as part of the blasting permit, from each unit recording the~~
26 ~~blast activity must be provided to the director immediately after the blast. A copy of the paper read~~
27 ~~out (strip chart) from each unit recording the blast activity must be provided to the county along~~
28 ~~with the standard blast report. The strip chart must include a full wave form and specifically identify~~
29 ~~the exact monitoring location; the date, time and place of the blast activity, the PPV, frequency and~~
30 ~~airblast overpressure; and be signed by the seismograph operator.~~
31 ~~(f) Followup reporting requirements. The user must submit the following written documents to the~~
32 ~~Cobb County Department of Public Safety by 10:00 a.m. the workday following the blast:~~
33 ~~(1) Copy of the Cobb County standard blast report that includes all of the blast record keeping~~
34 ~~information identified in section 18-364~~
35 ~~(2) A copy of the digital data generated by each required seismograph unit, with a copy of the~~
36 ~~corresponding printed strip chart attached.~~
37 ~~{Ord. of 2-27-07}~~
38
39 **Sec. 18-366. — Pre-blast and post-blast conditions surveys.**
40 ~~(a) Generally.~~
41 ~~(1) All condition surveys must be conducted by a professional with the appropriate credentials and~~
42 ~~experience. A copy of the curriculum vitae or resume detailing the reviewer's credential must be~~
43 ~~attached to each survey report.~~
44 ~~(2) Condition surveys must be made available as follows:~~
45 ~~a. — Pre-blast condition survey: A copy, including color copies of all photos, must be provided to~~
46 ~~the owner of the structure or facility surveyed and the Cobb County Department of Public~~
47 ~~Safety, prior to the detonation of any blasts allowed under the permit.~~

- 1 ~~b. *Post blast condition survey:* A copy, including color copies of all photos, must be provided to~~
2 ~~the owner of the structure or facility surveyed and the Cobb County Department of Public~~
3 ~~Safety, but no later than ten days after the physical survey date.~~
- 4 ~~(3) *Content of condition survey report.* The survey must document the current interior and exterior~~
5 ~~condition of the structure, facility, pool, retaining walls, dock, driveway, foundation, well,~~
6 ~~sprinkler system, utilities, drainage facility, concrete slab or other improvements on the~~
7 ~~property that is the subject of the survey. The survey must include sufficient documentation to~~
8 ~~satisfy all typical insurance carrier requirements related to substantiating a claim for damage,~~
9 ~~including but not limited to, documenting the status of the structural engineering.~~
- 10 ~~(4) *Cost.* The cost of condition surveys will be borne by the user, blaster, and developer.~~
- 11 ~~(b) *Pre blast condition survey.*~~
- 12 ~~(1) *One thousand foot radius around blast site.*~~
- 13 ~~a. Prior to conducting blasting activity, the user and developer must obtain a professional pre-~~
14 ~~blast condition survey for all structures and facilities within a 1,000 foot radius of the blast~~
15 ~~site. Structures and facilities touched by the 1,000 foot radius measurement must be~~
16 ~~included in the survey requirement.~~
- 17 ~~b. The professional conducting the survey must provide a written notice to the owner and~~
18 ~~tenants of the property. This notice must indicate the reason for the survey, the proposed~~
19 ~~date and time of the survey, and a local or toll free contact number for purposes of~~
20 ~~scheduling an alternative date or obtaining additional information. A copy of this notice~~
21 ~~must be provided to the Cobb County Department of Public Safety.~~
- 22 ~~c. If the owner of the structure or facility refuses to allow access to conduct the pre-blast~~
23 ~~survey, the professional attempting to survey the property must note this on the survey~~
24 ~~form. The property owner should sign the form to verify refusal. At least three attempts~~
25 ~~must be made to notify the owner of the need for the survey. The user and developer have~~
26 ~~the burden to prove the property owner refused the pre-blast survey. Sufficient proof of~~
27 ~~refusal will consist of either: (a) a written document signed by the property owner stating~~
28 ~~they understand the purpose of the blast survey and refuse to have it conducted; or (b) a~~
29 ~~sworn affidavit from the professional hired to conduct the survey setting forth the details~~
30 ~~related to the property owner's refusal, including a narrative about the attempts to obtain~~
31 ~~permission to conduct that survey, and the information provided to the property owner~~
32 ~~regarding condition surveys.~~
- 33 ~~d. A copy of all pre-blast surveys, including documentation as to any property owner's refusal~~
34 ~~must be submitted to Cobb County Department of Public Safety prior to conducting the~~
35 ~~permitted blasting activity.~~
- 36 ~~(2) *Area between 1,000 foot and 2,000 foot radius around blast site.*~~
- 37 ~~a. In addition to the surveys required under subsection ~~18-366(b)(1)~~, the user and developer~~
38 ~~must provide a viable opportunity for a professional pre-blast condition survey to be~~
39 ~~conducted on all structures and facilities falling within a distance of 1,000 to 2,000 feet from~~
40 ~~the blast site. Structures and facilities touched by the 2,000 foot radius measurement must~~
41 ~~be included in the survey.~~
- 42 ~~b. The professional conducting the survey must provide a written notice to the owner and~~
43 ~~tenants of the property. This notice must indicate where and when the blasting activity will~~
44 ~~occur, the reason for the survey, and a local or toll free contact number for purposes of~~
45 ~~scheduling a date and time for the survey or obtaining additional information. A copy of this~~
46 ~~notice must be provided to the county.~~
- 47 ~~c. The notice offering a pre-blast survey must be sent at least 20 days prior to the start of~~
48 ~~blasting activity via regular and certified mail. Sufficient time must be provided to allow~~

- 1 scheduling and completion of all pre-blast condition surveys requested before the blasting
2 activity occurs. Prior to commencement of blasting activity, the user or developer must
3 submit a sworn affidavit to the Cobb County Department of Public Safety indicating the
4 notice offering a pre-blast condition survey was sent to all property owners within the
5 designated area and all pre-blast surveys requested are complete. The affidavit must include
6 an attachment identifying the names and addresses used in sending the notices.
- 7 ~~(c) Post-blast condition survey.~~
- 8 (1) Upon completion of the blasting allowed under the permit, the user and developer will obtain
9 professional post-blast condition surveys for properties, structures or facilities that are the
10 subject of damage complaints or claims made during the course of the blasting activity. A list of
11 all property owners filing a complaint with the county will be compiled by the Cobb County
12 Department of Public Safety.
- 13 (2) The professional conducting the survey will contact each property owner in writing, via certified
14 mail, to schedule a mutually convenient date and time for the post-blast survey. The surveys
15 must be completed within 15 days after cessation of the blasting activity. A copy of the
16 condition survey report must be provided to the property owner and the Cobb County
17 Department of Public Safety upon completion, but no later than ten days after the physical
18 survey date.
- 19 (3) The developer must submit a sworn affidavit within 30 days after the cessation of the blasting
20 activity that identifies the location of the properties offered a post-blast condition survey;
21 property owners' names and the mailing addresses used to extend the offer; and whether the
22 survey was completed or refused. No further blasting permits will be issued within
23 unincorporated Cobb County for projects in which this developer is a principal, beneficiary, or
24 subsidiary until this affidavit is filed.
- 25 ~~(d) Content of condition survey.~~ The condition survey must include a written description of the interior
26 and exterior condition of each structure or facility examined. Existing cracks, damage or other
27 defects must be specifically located and described with sufficient specificity to make it possible to
28 determine the effect, if any, of the proposed blasting activity. If significant cracks or damage exist or
29 if the defects are too complicated to describe in writing, photographs must be taken to supplement
30 the survey. In lieu of the written survey report, a good quality videotape survey, with appropriate
31 audio description of locations, conditions and defects may be substituted. A copy, in whatever form
32 created, must be provided to the property owner and the Cobb County Department of Public Safety
33 prior to approval for subsequent blasting activity on projects within unincorporated Cobb County.
34 The survey must be kept for a minimum of seven years and be available upon request.

35 ~~(Ord. of 2-27-07)~~

36
37 **Sec. 18-3637. - Violations and penalties.**

38 (a) *Intensity violations*

39 ...

40 (2) *A second violation.*

- 41 a. A fine of \$750.00 against the user, blaster, engineer and developer, who will be jointly liable
42 for the full amount of this fine, and/or potential revocation of the blasting permit based
43 upon the nature of the violation and the history of violator's compliance.

44 ...

- 45 (3) *Third and subsequent violations.* A fine of \$1,000.00 against the user, blaster, engineer and
46 developer, who will be jointly liable for the full amount of this fine, and/or potential revocation
47 of the blasting permit based upon the nature of the violation and the history of violator's
48 compliance.

CHAPTER 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

Sec. 54-51. Life safety certificate of occupancy requirement.

(g) Except in assembly, storage and industrial occupancies, where there has been no change in the classification of occupancy, substantial renovation, reconstruction due to fire or other hazard of serious consequence, renovation or addition but merely a change in owner or a change in business name, and a valid certificate of occupancy has previously been issued for the building, structure, or tenant space, a "Notice of Information Change Form" shall be completed by the new owner and/or occupant and submitted to the Cobb County Fire Marshal's Office. A new certificate of occupancy will not be issued if the building, structure or tenant space is located in unincorporated Cobb County or the City of Acworth. A new certificate of occupancy will be issued if the building, structure or tenant space is located in the city limits of Kennesaw or Powder Springs.

Section 54-62. Fire Watch

- (a) The Fire Marshal, or his designee, shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity; or an impairment to a fire protection feature; or the number of persons present.
- (b) Where standby fire personnel or an approved fire watch is required:
- (1) The owner, agent, or lessee shall employ one or more qualified persons, as required and approved to be on duty.
 - (2) The cost of standby fire personnel shall be at no cost to the fire department.
 - (3) Such standby fire personnel or fire watch personnel shall be subject to the orders of the Fire Marshal, or his designee, at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or while such impairment or condition remains, as required by the Fire Marshal, or his designee.
 - (4) The fire watch shall be documented using a fire watch log maintained at the protected facility and available to fire department personnel at all times during the fire watch. The fire watch log shall contain, but not be limited to, the following information: date and time of the fire watch duty, beginning and ending times of each patrol, any fire safety hazards found, record of communication with the fire department and alarm monitoring company, record of other information as required by the Fire Marshal, or his designee.
 - (5) The fire department shall be authorized to establish and collect fees to recover costs for equipment, supplies, and personnel affiliated with fire or medical services standby, fire watch, fire inspection and similar services requested by an entity doing business or providing services in Cobb County or required by the authority having jurisdiction to protect public safety, beyond the normal scope of emergency operations.

ARTICLE V. – FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS

54-93. Fire protection sprinkler systems requirements.

- (d) All existing hotels, dormitories, and apartment buildings that undergo a substantial renovation costing more than the building's or structure's assessed value (according to county tax records) at the time of such renovation, ~~or~~ a change in the classification of occupancy, or a fire of serious consequence, shall meet the requirements of this Code.
- (e) Except as otherwise provided, all new board and care occupancies (personal care homes) with four or more clients and all community living arrangements shall be equipped with an approved sprinkler system.

...

54-96. Fire protection system testing and maintenance requirements.

- (a) The responsibility for annual testing and maintenance of an fire protection system...
- (b) In the event of a fire protection sprinkler system activation, the system shall be inspected by a fire protection sprinkler contractor to determine whether the system is in compliance with applicable codes and fully operational. The fire protection sprinkler contractor shall submit acceptable documentation confirming compliance and operability to the fire marshal or his designee.

...

ARTICLE VI. – ALARM SYSTEMS

Sec. 54-101. Fire alarm requirements.

...

- (d) Only a licensed alarm contractor shall work on a fire alarm system. Effective July 1, 2015 each licensed alarm contractor shall have at least one individual on each job site currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the Cobb County Fire Marshal. Proof of certification shall be kept on the person of the certified individual.
- (e) All work performed on a fire alarm system shall require plans to be submitted to and approved by the fire marshal's office prior to any work being performed. Effective July 1, 2016 all fire alarm plan submittals shall be made only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the Cobb County Fire Marshal. Proof of current certification shall be stamped on the plans and/or a copy of the certification shall accompany the submittal.
- (f) Effective July 1, 2016, all documentation submitted to the Fire Marshal's Office shall be completed and signed by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the Cobb County Fire Marshal. Such documentation shall include, but not be limited to, Record of Completion forms, Inspection Testing and Maintenance forms, permit applications, etc. Proof of current certification shall accompany the submitted documentation.
- (g) Effective July 1, 2016, all inspection, testing, and maintenance of any alarm system shall be only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the Cobb County Fire Marshal.

Sec. 54-113. Exceptions to outdoor burning restrictions.

Restrictions on outdoor burning do not apply to the following:

...

(c) For single family residential attached or detached dwellings, burning in a chimenea, fire bowl or other similar device or outdoor fireplace, unless garbage is being burned.

...

(g) The retirement of flags by burning in accordance with recognized practices.

...

CHAPTER 78 – LICENSES, PERMITS, AND BUSINESSES

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 2. – PEDDLERS, DOOR-TO-DOOR SALES PERSONS AND MOBILE FOOD VENDORS

SUBDIVISION IV. - VENDING

Sec. 78-117. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food truck means a retail food establishment that is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to prepare and serve food as defined by state law.

Public property and public space both mean any property owned by county and any street rights-of-way within the unincorporated area of the county, including any roadways and sidewalks.

Public property vending means vending activity authorized by county permit on publicly owned property under the jurisdiction of the county for a special event.

Private property vending means vending activity, permitted by the county on privately owned property in the unincorporated area of the county, with the consent or approval of the property owner(s).

Special event means a temporary event or gathering using either private or public property that draws an estimated number of participants and spectators exceeding two hundred fifty (250) present on any day of the event and that involves one or more of the following activities:

- (1) Closing of a public street;
- (2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;
- (3) Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public property, or on private property where otherwise prohibited by ordinance;
- (4) Erection or placement of a tent, utility pole, or other temporary structure on a street, sidewalk, alley, or other public place;
- (5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance; or
- (6) Erection or placement of temporary signage, banners, or displays of any kind in or over a public right of way, or on private property where otherwise prohibited by ordinance.

This term shall not include any event or function held on private property entirely within the existing structure or appurtenances thereto of an establishment that has been operating continuously for thirty (30) days or more prior to the start of a special event.

Vending activities mean the selling or distribution of retail or food items through a cart, kiosk, or temporary or non-permanent structure to the public.

Vending cart means a cart, kiosk, or temporary structure designated for food or retail vending activity.

Vendor means any person who is undertaking vending activities.

Sec. 78-118. – Purpose and intent.

The board of commissioners, pursuant to its authority to regulate the conduct of business upon public property and public space and to promote the safety and welfare of its residents and visitors determines it necessary and proper to prohibit vending activities on public property to serve and protect the health, safety and welfare of the general public.

Sec. 78-119. – Applicability.

- (a) Vending activities in the unincorporated area of the county on public property without a license for public property vending is unlawful.
- (b) Vending activities in the unincorporated area of the county on private property is regulated by Chapter 78, Article III, Division 2 Subdivision I (Peddlers).
- (c) Private property alcoholic beverages vending is not subject to the regulations contained in this Chapter, but is regulated by Chapter 6.
- (d) Food trucks are not subject to the regulations contained in this Subdivision, but are regulated by Sections 78-95 to 78-100 and 62-33.
- (e) Special provisions and exemptions within mixed-use development districts are governed by Section 78-121.

Sec. 78-120. Violation of this article is a misdemeanor .

- (a) Any person who violates Sections 78-117 to 78-121 is guilty of a misdemeanor.
 - (1) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
 - (2) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
 - (3) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
 - (4) Fourth conviction. Any person convicted of four or more violations of this article shall be subject to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and aggravated nature.
- (b) Suspension or Revocation. In addition to the penalties for violations established under Sec. 78-120, violations of the provisions in this subdivision pertaining to vendors shall subject the license to suspension or revocation. Violations of this division shall be considered due cause as defined in section 78-371 for suspension or revocation of any license issued under this division.

Sec. 78-121. – Special provisions and exemptions within mixed-use development districts.

- (a) For the purposes of this article only, a mixed-use development district is defined as a development that is zoned RRC with a public event venue with permanent seating in excess of 20,000 seats (and to include attendant parking facilities) and may include a mixture of retail, restaurants, entertainment, office space, and hotel units.
- (b) Vending activity within mixed-use development districts is permitted in areas designated for vending activity as depicted on a plan that shall be approved by both the mixed-use development

district management and the board of commissioners. The plan shall include locations where vendors may sell merchandise within the designated area, as well as specifics on the size and materials for signage and vending carts.

(c) Every vendor shall be required to obtain a county license and/or any other appropriate state or local license.

(d) All applicable sales taxes resulting from vending activity shall be remitted to the state per applicable law.

(e) Food trucks are required to follow regulations contained in Chapter 78-95 to 78-100 and 62-33.

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DIVISION 10. ACCESSORY SPECIAL EVENT PARKING

Sec 78.406. Accessory special event parking.

The following division sets forth provisions for the licensing of accessory special event parking.

Sec. 78.406.1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory special event parking means the provision of special event parking to the public for a fee in a parking area that normally provides required or excess parking for a particular nonresidential establishment.

Accessory special event parking area means the designated area(s) to be used for accessory special event parking as shown on the parking plan submitted by an applicant.

Limited access zone means the streets described in this division where accessory special event parking licenses shall not be issued.

Major tourist attraction means a site of 12 acres or more devoted to a single use as an amusement theme attraction, park, convention center, performing arts center, amphitheatre, or stadium which promotes the tourism interests of the county.

Special event means a event or gathering using private or public property, that draws an estimated number of participants and spectators for or has the seating capacity to accommodate at least two thousand (2,000) people present on any day of the event and that involves one or more of the following activities:

(1) Closing of a public street;

(2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;

(3) Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public places or public property, or on private property pursuant to Section 6-133 or 78-117 to 78-121 where otherwise prohibited by ordinance;

(4) Erection or placement of a tent, utility pole, or other temporary structure on a street, sidewalk, alley, or other public place;

(5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance; or

(6) Erection or placement of temporary signage, banners, or displays of any kind in or over a public right of way, or on private property where otherwise prohibited by ordinance.

Sec. 78-406.2 – Purpose.

The purpose of this division is to promote the health, safety, and welfare of Cobb County citizens and visitors and promote neighborhood integrity by addressing issues that occur when property is used for the parking of motor vehicles by persons attending special events. The establishment of a limited access zone and appropriate signs and barricades on public right-of-way during special events is intended to reduce neighborhood impact, improve traffic conditions, increase pedestrian safety in the area of the highest pedestrian volumes, and increase the ability of residents and public safety officials to obtain neighborhood access and adequate parking. The establishment of accessory special event parking license for accessory special event parking addresses private property use for parking in areas that were not originally designed or licensed for special event parking, traffic problems created by payment for parking, motorized and non-motorized vehicle and pedestrian traffic management, emergency vehicle and public safety access, and/or litter created by a lot operator's failure to properly administer the lot and adjacent area after the special event. These provisions are intended to promote the safety of area visitors, residents, and businesses, and to provide a systematic approach to parking and traffic management for special events.

Sec. 78-406.3. Applicability and requirements.

- (a) An accessory special event parking license will be issued only to property with an active nonresidential use as the primary use of the property. An accessory special event parking license will not be issued if primary access to the accessory special event parking area is from public right-of-way within the limited access zone.
- (b) The limited access zone(s) shall be within 1/2 mile (2,640 feet) from the special event.
- (c) No person shall provide special event parking for a fee, including within the four-hour period before the scheduled start time of the special event, and the two-hour period after the completion of the special event, without an accessory special event parking license.
- (d) Governmental entities and parking that satisfies zoning requirements for major tourist attractions are not required to obtain an additional accessory special event parking license.
- (e) All applicants for an accessory special event parking license shall submit an application to the Business License Division of the Community Development Agency at least thirty (30) days prior to the special event. Only completed applications will be considered. The application must contain the following:
 - (1) The applicant's name, address, phone number, email address, and proof of identity;
 - (2) A description of the primary use of the property, copies of valid occupational tax certificates for all businesses located on the property, and an affidavit that the primary use, as set forth in the certificate of occupancy and occupational tax certificates for the property, is an active use at the property;
 - (3) The name of the property owner, address, phone number, e-mail, and evidence of payment of property taxes;
 - (4) Written, notarized statement of consent from property owner for use of the property for accessory event parking if the applicant is not the owner;
 - (5) The name, address, phone number, email, and proof of identity of the person responsible for the operation of the special event parking area, if not the owner or the applicant.
 - (6) A parking plan in compliance with the Cobb County Code and Development Standards indicating the address and name of the primary use on the property, as shown on the signage for the primary use, boundaries of the parking area, preservation of parking for the primary use, ingress and egress locations, the parking layout (no stacking is permitted, parking must be in

- 1 existing striped parking spaces), parking sign locations, and the area on the property where
2 payment will be received;
- 3 (7) An application fee in the amount as approved by the board of commissioners for all accessory
4 special event parking license ; and
- 5 (8) Evidence of any shared parking arrangements or parking agreements with any other property
6 owner or business.
- 7 (f) If approved, a license expires one year from the date of issuance and may be renewed by
8 subsequent application.
- 9 (g) A license may be denied based on the Community Development Agency's determination that the
10 proposed accessory special event parking would adversely impact traffic management or public
11 safety If the application for a license is denied, the applicant may appeal that decision as provided in
12 this division.
- 13 (h) Licenses under this division do not authorize the use of the lots for paid parking other than for
14 special events.
- 15 (i) On the day of a special event, a temporary sandwich-board sign must be displayed in the accessory
16 special event parking area near each entrance to the parking area in the location(s) shown on the
17 parking site plan. The sign copy area must be at least 18 inches high and 24 inches wide (but no
18 larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four
19 feet, including a parking symbol, at least 10 inches in height designated by the county, and include
20 the following wording with the blanks filled in appropriately: "Special Event Parking Lot, License #
21 ____, Parking Fee \$____, Operator phone # ____ - ____ - ____." The parking fee must be in a font that is at
22 least 6 inches in height. When the lot is full, the sign must be turned around to display wording
23 visible from the street that the parking lot is full. The sign is a traffic management device and a
24 display of license, so no other wording is permitted on the front of the sign. The sign must be of a
25 durable material, such as plastic, metal, wood, or like material, and must be professionally
26 fabricated and maintained in good repair. A sign permit is not required for this sign, which may be
27 displayed four hours prior to the event and removed two hours after completion of the special
28 event. The parking symbol, the wording, and the fee must be visible from the adjacent street. The
29 parking fee must remain the same throughout the day of the special event unless decreased, and
30 the amount charged for parking must not exceed the amount stated on the sign. The sign must be
31 visible on the special event parking area from the time cars are admitted for the special event
32 parking until the property has been cleaned of litter at the end of the special event.
- 33 (j) The accessory special event parking license and parking plan must be available for immediate on-site
34 inspection by county staff or public safety officials.
- 35 (k) The accessory special event parking area must be paved, striped, and lit in compliance with
36 standards prescribed by county ordinances for parking areas. Vehicles must be parked on approved
37 surfaces and in compliance with the parking plan.
- 38 (l) The accessory special event parking area must be staffed by at least two attendants who must be
39 present on the accessory special event parking area from the time the operator starts accepting
40 payment on the lot for parking until the lot is full or the start of the special event, whichever occurs
41 first. A minimum of one attendant must remain on the lot until one hour after the end of the special
42 event. The operator must provide clean up service on parkways, parking spaces, and sidewalks to
43 remove litter, trash, junk , or other debris found throughout the accessory special event parking
44 area. The attendants must be easily identifiable by uniform clothing indicating that they are
45 employed to provide accessory special event parking. Clean up service shall be completed two hours
46 after the end of the special event.
- 47 (m) The accessory special event parking must be operated in compliance with any conditions set forth
48 on the accessory special event parking license.

Sec. 78-406.4. Revocation.

The county may revoke an accessory special event parking license issued under this division for violations of any provision in this division if the accessory special event parking at the location adversely affects traffic management, public safety, or other good cause; for making any material false representation in an application for an accessory special event parking license; or if the primary use ceases to operate. In the event of revocation, the procedures for appeal set out in this division apply commencing with the date of revocation notice is provided to the applicant.

Sec. 78-406.5. Procedures for appeal of denial or revocation of an accessory special event parking license.

(a) Review by Administrator

- (1) Any applicant who is denied an accessory special event parking license, or person whose license is revoked (an "appellant") may, within ten (10) days of the service of notice of such determination, file a written appeal from such determination with the Community Development Agency Director.
- (2) The Community Development Agency Director shall have ten (10) days from the date on which the appeal was received in which to provide appellant a written notice that the decision was affirmed, modified, or reversed. The notice to the appellant shall be deemed served upon the appellant when it is personally delivered or when it is sent by regular mail and certified mail by the United States Postal Service, to the name and address set for on the application for permit.
- (3) A decision by the Community Development Agency Director adverse to the applicant can be appealed by the applicant for a show cause hearing with the board of commissioners. The applicant will need to file a written appeal within ten (10) days of the service of notice of such determination with the County Clerk or within ten (10) days plus three (3) days for mailing from when the notice is sent to the applicant by regular and certified mail.
- (4) In all hearings held pursuant to this section, the proceedings shall be as informal as compatible with justice, the hearing shall be expedited and normally shall not exceed 30 minutes in length, and the following procedures shall prevail:
 - a. The charges and specifications against the licensee and the response as filed by the licensee shall be read.
 - b. The county representative shall present evidence, and then the licensee shall present his evidence, with opportunity for each party to present rebuttal evidence, examination and cross examination of witnesses, and interrogation by the board of commissioners. No evidence shall be presented which is not relevant to the charges.
 - c. After the hearing under this section the board of commissioners shall uphold, modify, or reverse the decision of the Community Development Agency Director.
- (5) Any appeals filed pursuant to this division shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the permit application, the written notice of the determination of the county, and any other papers or material to the determination.

(b) Any further judicial review shall be in accordance with law.

Sec. 78-406.6. Offenses.

(a) It shall be unlawful to:

- (1) Submit false documents, or otherwise makes false statements of a material fact on an application for any license submitted under this division;

- 1 (2) Provide special event parking for any vehicle during a special event in violation of this division;
2 (3) Each vehicle charged a fee for parking on a parking area during a special event in violation of this
3 division constituted a separate offense; and/or
4 (4) Violate any other provision of this division.
5 (b) In the prosecution of an offense under this division, it is presumed that:
6 (1) The property owner, applicant for the accessory special event parking license, and the
7 responsible person named on the application for the operation of the special event parking
8 area, are jointly and severally responsible for parking violations under this division and for
9 compliance with this division in the operation of the accessory special event parking area; and
10 (2) All vehicles parked on property during a special event have been charged a fee for parking
11 during the special event.
12

13 **Sec. 78-406.7. Violation.**

- 14 (a) Any person who violates this division is guilty of a misdemeanor.
15 (b) Penalties for violations of this division shall be as follows:
16 (1) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or
17 imprisonment in the county jail for not more than 60 days or both.
18 (2) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or
19 imprisonment in the county jail for not more than 60 days or both.
20 (3) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or
21 imprisonment in the county jail for not more than 60 days or both.
22 (4) Fourth conviction. Any person convicted of four or more violations of this article shall be subject
23 to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not
24 more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and
25 aggravated nature.
26 (c) Public safety officials may block access from the public right-of-way to any accessory special event
27 parking area that has not obtained the necessary license or to a licensed accessory special event
28 parking area that poses a public safety hazard, in the sole discretion of the public safety officer.
29

30 **Secs. 78-406~~7~~ to 78-410. Reserved**

31
32 **ARTICLE VI. – LAWYERS AND LAW FIRMS**

33 ...

34 **Sec. 78-514 to 78-549 - Reserved**

35
36 **ARTICLE VII. - TICKET BROKERS**

37 **Sec. 78-550. - Definitions.**

38 As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

39 Event organizer means the entity or person that is organizing or in charge of conducting a
40 ticketed event.

41 Event venue means any part of the location, dedicated parking areas, facility, or structure where
42 a ticketed athletic or entertainment event for more than two hundred and fifty (250) people occurs
43 excluding property owned or operated by the Board of Education. For purposes of this chapter, the
44 following locations and attendant event venues are specifically included:

- 45 (1) SunTrust Park;
46 (2) Cobb Performing Arts Center;
47 (3) Mable House Barnes Amphitheatre;

- (4) Cobb Galleria;
- (5) Jim Miller Park;
- (6) Cobb County Civic Center;
- (7) Roxy Theatre; and
- (8) Fifth Third Bank Stadium.

Face value means the value of a ticket as printed on the ticket itself, or, absent such a marking, the amount for which the ticket was authorized to be sold by the event organizer, plus a service charge not to exceed \$3.00.

Repurchase means purchasing or offering to purchase a ticket or tickets for admission to a ticketed event on the day of the ticketed event within 2,700 feet or 1,500 feet, as applicable, of the event venue, excluding purchases from the event organizer or its authorized agents.

Resale (resell) means selling or offering to sell a ticket or tickets for admission to a ticketed event on the day of the ticketed event within 2,700 feet or 1,500 feet, as applicable, of the event venue, excluding purchases from the event organizer or its authorized agents.

Ticket means a physical or electronic document serving as evidence that the holder has paid admission or entitles the holder to admission.

Ticket broker means a person to whom the business license division manger has granted a license to resell or repurchase tickets.

Ticketed event means an organized event open to the public and requiring a ticket for admission.

Sec. 78-551. – Prohibitions on the resale or repurchase of tickets.

- (a) It shall be unlawful to resell, repurchase, or offer for resale one or more tickets by a ticket broker or by a person who is the original purchaser for personal use of one or more tickets within 2,700 feet of a venue which seats or admits more than 15,000 persons to any single athletic contest or entertainment event.
- (b) It shall be unlawful to resell, repurchase, or offer for resale one or more tickets by a ticket broker or by a person who is the original purchaser for personal use of one or more tickets within 1,500 feet of a venue which seats or admits less than 15,000 persons to any single athletic contest or entertainment event.
- (c) Outside of the 2,700 foot or 1,500 foot distance from an event venue, as applicable, a license shall not be required for a person reselling or repurchasing tickets at face value if such person was the original purchaser for personal use.
- (d) Outside of the 2,700 foot or 1,500 foot distance from an event venue, as applicable, the resale or repurchase of tickets shall only occur by licensed ticket brokers in a permanent office structure or place of business that has been issued a Certificate of Occupancy by the county,

Sec. 78-552. - Application.

License applications shall contain the following information:

- (1) Applicant's evidence of appropriate state ticket broker license;
- (2) Applicant's residential street address; and
- (3) Applicant's date of birth, race, sex, height, weight, eye color, and hair color.

Sec. 78-553. - Attachments to the application.

Each application shall be accompanied by the following:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the business license division or public safety agency, designed to be easily attachable to the license;

- (2) A complete set of the applicant's fingerprints in a format prescribed by the public safety agency;
and
(3) A copy of the applicant's driver's license or state issued photographic identification card.;

Sec.78-554. - License fee.

The fee for a ticket broker license shall be included in a fee schedule approved by the Board of Commissioners.

Sec. 78-555. - License term.

The term of a ticket broker license issued under this chapter shall be for twelve months or concurrent with their state issued license, whichever is shorter.

Sec. 78-556. - Display of license during operation.

(a) The business license division or public safety shall, upon issuing a ticket broker's license, provide the ticket broker with a laminated card, that has the individual's photograph and the following information:

- (1) The title "Licensed Ticket Broker;
(2) The expiration date of the license;
(3) The licensee's full name; and
(4) An identification number unique to each licensee.

(b) It shall be unlawful for any licensed ticket broker to engage in the resale or repurchase of tickets without clearly displaying the laminated card on his or her person.

Sec. 78-557. - Transferability of license.

A license issued pursuant to this chapter shall not be transferable.

Sec. 78-558. - Right of inspection of tickets.

It shall be unlawful for a ticket broker to refuse to provide any tickets in his or her possession to an officer of Cobb County, the Cobb County Sheriff's Department, of a member of the Georgia State Patrol for the purpose of inspecting such tickets.

Sec. 78-559. Violation of this article is a misdemeanor .

Any person who violates Sections 78-550 to 78-560 is guilty of a misdemeanor.

- (a) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
(b) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
(c) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both.
(d) Fourth conviction. Any person convicted of four or more violations of this article shall be subject to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and aggravated nature.

State Law: O.C.G.A. 43-48-25

Sec. 78-562 to 78-570 – Reserved.

CHAPTER 83 – NUISANCES

ARTICLE II. – WEED CONTROL

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Sec. 83-12. - Prohibited.

It shall be unlawful for the owner of any property to permit weeds to obtain a height exceeding 12 inches ~~on at least ten percent of the size of the property tract, excluding the portion of the property where permanent structures exist~~ unless exempted as described in this section. It shall be unlawful for the owner of any property, that contains a lake, pond or other water impoundment, to permit weeds to obtain a height exceeding 12 inches on any portion of the property, unless exempted as described in this section.

...

(Scribers note – Article III Section 83-30 to 83-35 was removed to allow for additional research to better align it with state nuisance laws)

CHAPTER 86 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE II. EDUCATION FACILITIES

...

Secs. 86-35 to 86-49 - RESERVED

ARTICLE III. – UNMANNED AERIAL SYSTEMS

Sec. 86-50. – Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civilian airport means any civilian use publicly-owned airfield and supporting facilities.

Drone means an unmanned aircraft or unmanned aircraft systems (UAS) that can fly under the control of a remote pilot or by a global positioning system (GPS) guided autopilot mechanism.

Large venue special events means any event held at any public or private outdoor venue in Cobb County that is open to the public and is intended to attract a minimum of 250 people.

Military airport means any facility or property used in conjunction with or adjacent to Dobbins Air Reserve Base to include lands owned or used by the United States Department of Defense, the Lockheed Martin Corporation, the Georgia Institute of Technology Research Institute, or the Georgia National Guard.

Sec. 86-51. – Prohibitions

Unless otherwise exempt under this Article it is unlawful for drones to be deployed, launched or flown in any airspace within, over, or within one (1) mile of any sporting and/or large venue special event, military airport(s), or civilian airport(s) under this Article.

Sec. 86-52. – Exemption.

This chapter shall not prohibit property owners or the operators of large venue special events from the use of drones over property under their control. Law enforcement agencies shall be exempt from prohibitions on the use of drones.

1 **Sec. 86-53. – Enforcement.**

2 Equipment flown in violation of this Article may be grounded, destroyed, and/or confiscated to
3 protect public safety and general welfare by a law enforcement agency.
4

5 **Sec. 86-54. Violation of this article is a misdemeanor .**

6 Any person who violates Article is guilty of a misdemeanor.

- 7 (a) First conviction. A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or
8 imprisonment in the county jail for not more than 60 days or both.
9 (b) Second conviction. A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or
10 imprisonment in the county jail for not more than 60 days or both.
11 (c) Third conviction. A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or
12 imprisonment in the county jail for not more than 60 days or both.
13 (d) Fourth conviction. Any person convicted of four or more violations of this article shall be subject to a
14 fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not more than
15 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and aggravated
16 nature.
17

18 **Secs. 86-54 to 86-59 - RESERVED**

19
20 **ARTICLE IV. Solicitation and Distribution on Public Arterial and Collector Roads.**

21 **Sec. 86-60. - Intent.**

22 It is the intent of this article to protect the health, safety and general welfare of the citizens of the
23 county; to assure the free, orderly, undisrupted movement of motorized vehicles on public arterial and
24 collector roads within the unincorporated county; and to provide for safety in the interest of pedestrians
25 and occupants of motorized vehicles located on such roads. This article is intended to apply to all
26 persons who engage in the activities proscribed herein, regardless of their message. This article is
27 intended to be narrowly tailored to serve the government interest of public safety, and to leave open
28 ample alternative channels of displaying advertising, distributing goods and materials, and soliciting
29 business, charitable contributions and panhandling.
30

31 **Sec. 86-61. - Definitions.**

32 The following words, terms and phrases, when used in this article, shall have the meanings ascribed to
33 them in this section, except where the context clearly indicates a different meaning:

34 Panhandling means the act of obtaining money, food or other items by approaching and
35 begging from a stranger.

36 Roads includes public arterial and collector roads or streets, shoulders, roadbeds, medians, and
37 all other ways open to travel by operators of motorized vehicles or areas of pedestrian activity within
38 the unincorporated county. The definition excludes private roads and roads that are not open to motor
39 vehicle travel. Arterial and collector roads are identified on the Official Thoroughfare map of the county.
40

41 **Sec. 86-62. - Findings and determinations.**

- 42 (a) The board of county commissioners hereby finds and determines that physical interaction between
43 pedestrians and motor vehicles that are temporarily stopped for traffic control devices, on arterial
44 and collector roads in the same space at the same time is inherently dangerous, and that the
45 combination of the high volume of motorized vehicles and congested roads in the county with
46 persons who are sitting or standing next to or in the travel lanes, sitting or standing on road
47 medians, or sitting or standing in close proximity to the edge of the traveled roadway in situations

1 where such persons are engaging in any kind of physical exchange of objects with operators and
2 passengers of motor vehicles, including but not limited to: distribution, solicitation for charitable or
3 commercial purposes, or individual panhandling that is directed at motor vehicle occupants on those
4 roads is hazardous to public safety, both for occupants of motorized vehicles located on public roads
5 and for persons engaging in such advertising, distribution, solicitation and panhandling.

- 6 (b) The board of county commissioners further hereby finds and determines that the prohibitions set
7 forth in this article are narrowly tailored to serve the significant public interest of promoting and
8 protecting the public health, safety, and welfare of the citizens and visitors of the county, and that
9 said prohibitions leave open ample alternative channels of communication.

10
11
12
13 **Sec. 86-63. - Prohibitions.**

- 14 (a) No person shall be upon or go upon any public arterial or collector road or street or road median for
15 the purpose of any kind of distribution of materials, pamphlets, flyers or goods, or soliciting business
16 or charitable contributions or panhandling of any kind from the occupants of any motorized vehicle
17 located on the public arterial or collector roads, when such roads or streets are open to traffic, in
18 the unincorporated county.

- 19 (b) The language of this article is intended to prohibit the activities described above only when they are
20 directed by pedestrians toward occupants of motor vehicles that are on the traveled portion of
21 public arterial or collector roads that are open to traffic. The term "traveled portion" includes travel
22 lanes, turn lanes, and other portions of the road that are generally used for motor vehicle travel.
23 This article is not intended to prohibit activities such as advertising, distribution of goods or
24 materials, or business or charitable solicitation that is directed toward pedestrians on sidewalks.

25
26 **Sec. 86-64. - Territory embraced.**

27 The provisions of this article shall embrace all public arterial or collector roads and streets when such
28 roads or streets are open to motor vehicle traffic, within the legal boundaries of the unincorporated
29 county, including state roads, interstate ramps and county roads.

30
31 **Sec. 86-65. - Lawful pedestrian activity; motor vehicle mechanical problems and accidents.**

32 The provisions of this article do not regulate or prohibit the lawful pedestrian activity of crossing public
33 roads at designated crossing areas, or simply walking or standing on sidewalks adjacent to public arterial
34 or collector roadways. The provisions of this article are further not violated where motorists are
35 standing near the roadway or on medians or sidewalks while waiting for assistance because of traffic
36 accidents or mechanical problems with their motor vehicles.

37
38
39 **CHAPTER 102 – SOLID WASTE**

40 **ARTICLE I. – IN GENERAL**

41 ...

42 **Sec. 102-14. - Violations and penalties.**

- 43 (a) Any person who violates any section or provision of this chapter shall, after trial and conviction upon
44 a citation issued to the magistrate court of the county, be guilty of a misdemeanor and shall also be
45 fined in an amount not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days
46 for each such violation. If any person is found to be guilty of more than one violation of this chapter
47 in any 12-month period, the following fines are established:

- (1) The amount of the original fine plus two hundred dollars (\$200), not to exceed one thousand dollars (\$1,000) and/or imprisoned for a period not to exceed sixty (60) days for the second violation of this chapter in any 12-month period.
- (2) The amount of the original fine plus six hundred fifty dollars (\$650), not to exceed one thousand dollars (\$1,000) and/or imprisoned for a period not to exceed sixty (60) days for the third violation of this chapter in any 12-month period.
- (3) One thousand dollars (\$1,000) and/or imprisoned for a period not to exceed sixty (60) days for the fourth and each successive violation of this chapter in any 12-month period...

ARTICLE II. SOLID WASTE COLLECTION

...

Sec. 102-58. - Revocation and suspension of solid waste permit—Authorized.

- (a) Subject to the provisions of Section 102-59 herein, a solid waste permit maybe temporarily suspended by the division manager of solid waste or his/her designee for up to 30 days ~~without bringing the matter before the board of commissioners.~~
- (b) For violations of Section 102-71 only, a solid waste permit may be temporarily suspended by the division manager of solid waste or his/her designee, the community development agency director, or the director of public safety for up to 30 days.
- (c) Only the board of commissioners may suspend a solid waste permit for more than 30 days or permanently revoke any solid waste permit issued pursuant to this article.

...

Sec. 102-71. - Hours of collection.

- ~~(a) At such time as any second noise complaint has been received or recorded by the solid waste division, the county police department, or the code enforcement division of the community development agency in a 45-day period at a specific location in the county, the following provisions shall take effect in the area of such incident if upon inquiry and investigation the solid waste division, the county police department, or the code enforcement division of the community development agency is able to verify and substantiate the factual basis for such complaint:~~
 - ~~(1) No person or entity shall engage in the collection, transportation or disposal of any solid waste or recyclables from dumpsters, containers or receptacles of any kind or type between the hours of 11:00 p.m. and 7:00 a.m. except to perform emergency work required to safeguard the immediate health, safety and welfare of the public. Every subsequent noise complaint received and recorded by the solid waste division, the county police department, or the code enforcement division of the community development agency at that location shall constitute a violation of this provision and shall result in the issuance of a report to the county police department, the code enforcement division of community development agency or the division manager of the solid waste division or his or her designees or employees for full enforcement of this chapter.~~
 - ~~(2) If a partnership, corporation or other business entity controls, directs and/or owns a solid waste collection business, both the person directing the operation of such business, and all partners, directors, officers, shareholders, agents, representatives or employees exercising significant managerial responsibility over any employee or agent whose acts violate the terms of this article or chapter shall, in addition to such employee or agent, be considered to have violated the provisions of this chapter.~~
- ~~(b) Specifically excluded from the applicability of this section are the dumpsters located at any of the schools in the county.~~

- 1 (a) No person or entity shall engage in the collection, transportation or disposal of any solid waste or
2 recyclables from dumpsters, containers or receptacles of any kind or type between the hours of
3 11:00 p.m. and 7:00 a.m. except to perform emergency work required to safeguard the immediate
4 health, safety and welfare of the public.
- 5 (b) Every noise complaint received and recorded by the solid waste division, the county police
6 department, or the code enforcement division of the community development agency at a specific
7 location shall constitute a violation of this provision and shall result in the issuance of a report to the
8 county police department, the code enforcement division of community development agency or the
9 division manager of the solid waste division or his/her designees or employees for full enforcement
10 of this chapter.
- 11 (c) At such time as any second noise complaint has been received or recorded by the solid waste
12 division, the county police department, or the code enforcement division of the community
13 development agency in a 45-day period at a specific location in the county and upon inquiry and
14 investigation the solid waste division, the county police department, or the code enforcement
15 division of the community development agency is able to verify and substantiate the factual basis
16 for such complaint, the solid waste permit holder shall be subject to the penalties detailed in Section
17 102-58 in addition to Sections 102-14.
- 18 (d) If a partnership, corporation or other business entity controls, directs and/or owns a solid waste
19 collection business, both the person directing the operation of such business, and all partners,
20 directors, officers, shareholders, agents, representatives or employees exercising significant
21 managerial responsibility over any employee or agent whose acts violate the terms of this article or
22 chapter shall, in addition to such employee or agent, be considered to have violated the provisions
23 of this chapter.
- 24 (e) Specifically excluded from the applicability of this section are the dumpsters located at any of the
25 schools in the county.
- 26
27

28 **CHAPTER 110 – SUBDIVISIONS**

29 **ARTICLE III. – SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

30 **DIVISION 1. - GENERALLY**

31 ...

32 **Sec. 110-54. - Maintenance bond.**

33 A maintenance bond, ~~letter of credit~~, cash bond, or other equivalent form of security as approved by the
34 county attorney, running in favor of the county, in a minimum amount of \$5,000.00 or any amount
35 equal to at least ten percent of the actual construction improvement total cost, whichever is greater,
36 shall be posted with the county by all subdividers or persons where street or other improvements are
37 made and offered to the county for acceptance and maintenance except as noted in this section.
38 Twenty-five percent of the actual construction improvement total cost or \$5,000.00, whichever is
39 greater, shall be posted with the county by all subdividers or persons where street or other
40 improvements are made requiring bridges, box culverts, or pipes with diameters equal to or exceeding
41 48 inches, and offered to the county for acceptance and maintenance. The maintenance bond, cash
42 bond, ~~letter of credit~~ or other equivalent form of security shall guarantee all improvements against
43 defects in design, material and workmanship and further guarantee that all such improvements shall be
44 maintained in first class condition for the required period and faithful performance by the subdivider or
45 other person of all provisions of this chapter.

- 46 (1) Any bond, except cash bond, ~~or letter of credit~~ or other equivalent form of approved security shall
47 be on forms supplied by the county and shall not be terminated or otherwise allowed to expire

- 1 without at least 30 days' prior written notice to that effect to both the county and the subdivider or
2 person. Such bond, cash bond, ~~letter of credit~~ or other equivalent form of approved security along
3 with evidence of payment of the required premiums shall be filed with the county.
4 (2) Such bond, cash bond, ~~letter of credit~~ or other equivalent form of security ...
5
6

7 **Chapter 114 – TAXATION**

8 **ARTICLE VII. DESTINATION MARKETING DISTRICT**

9 **FOOTNOTE(S):**

10 Ga. Const. art. IX, § 11, ¶¶5 and 10
11
12

13 **Sec. 114-123. Purpose.** It is found and declared that parks, recreation areas, programs, libraries,
14 archives, arts and sciences programs and the facilities that support them, and public transportation, are
15 essential services provided by the county, and that conventions, trade shows, tourism, hospitality, and
16 group tour opportunities within the county driven by these programs and by private attractions are
17 essential economic assets of the county which support these services, and the promotion of these
18 programs, facilities assets and services contributes to the health, prosperity and economic and general
19 welfare of its citizens. It is the purpose of this article, therefore, to promote, source, synchronize and
20 maximize the economic impact of the use and implementation of these services and assets through the
21 institution of a destination marketing fee on hotel and motel rooms offering paid accommodations in
22 the Destination District created and established by the board of commissioners. The proceeds of the fee
23 shall be used for destination marketing services to plan, coordinate, conduct and participate in programs
24 of marketing, information and publicity designed to source, synchronize and enhance the use of
25 infrastructure, attractions, parks, programs, and local government services within the district, including,
26 without limitation, public transportation and infrastructure.
27

28 **Sec. 114-124. Findings.** The board makes the following findings of fact with respect to the adoption and
29 codification of this article VII of chapter 114 of the Official Code of Cobb County, Georgia:

- 30 (1) Article IX, Section II, Paragraph III of the Georgia Constitution ("Supplemental Powers Clause")
31 and applicable state law authorize the county to provide certain specified local government
32 services.
33 (2) Article IX, Section II, Paragraph VI of the Georgia Constitution ("Special Districts Clause")
34 authorizes the board on behalf of the county to create special districts for the provision of local
35 government services within such districts, and to levy and collect fees, assessments and taxes
36 therein to pay, wholly or partially, the cost of providing such services.
37 (3) The destination marketing services support economic development and the county's parks,
38 recreation areas, public and private attractions, libraries, schools and universities, public
39 transportation infrastructure, and the trail systems.
40 (4) The destination services provide significant impetus for commercial development, will stimulate
41 additional economic development and employment prospects for residents and property
42 owners in the designated destination marketing area, which area includes parks, recreation
43 areas, public and private attractions, libraries, schools and universities, public transportation
44 infrastructure, and the trail systems.
45 (5) Hospitality industry property owners and hotel guests in the designated destination marketing
46 areas will derive substantial benefit from the destination marketing services, including the

coordination and information availability through increased tourism, trade, commerce, industry, recreational and public entertainment opportunities.

(6) The county will provide the needed coordination and marketing to the property owners in the designated destination marketing area most effectively through the existence of a special services district denominated as the "Destination Marketing Services District" (the "district").

(7) Hotels within the district will benefit significantly from the destination marketing services through the economic stimulus for additional development, the increased tourism opportunities in the district and the local government services and facilities supplemented or enhanced for hotel guests.

(8) The destination marketing services may include, but are not limited to, website, booking engine, calendar of events, interactive map, offering through its partners of promotional package with the opportunity for cost savings and value, e-newsletter, mobile website, mobile applications, press and advertising, social media, video, visitor's guide(s), itinerary tailoring and optimization, kiosks, broadcast advertising, trail system connectivity, banner program, visitor and welcome center(s), hospitality training, specialized sales and booking, brand ambassadors, transportation services and other related services.

(9) The assessment of a destination marketing fee on the per night charges of hotels within the district to pay, wholly or partially, the cost of providing local government services within the district is warranted based on the foregoing findings.

Sec. 114-125. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel means any inn, hotel, motel, tourist camp, tourist lodge or other such place or business wherein rooms, lodgings or accommodations are regularly furnished to the public for value and that is subject to the county hotel/motel occupancy tax ordinance, Chapter 114, article III, of the Official Code of Cobb County, Georgia.

Room means a unit of lodging provided by a hotel (as defined herein) and located within the borders of the Destination Marketing District.

Room occupant(s) means the person or persons listed on a hotel registry as procuring paid overnight accommodations at a hotel.

Marketing services fee means the per-night hotel room fee imposed pursuant to this article to pay, wholly or partially, the cost of providing, supplementing or enhancing local government services within the district and to promote the provision of parks, recreation areas, programs, libraries, archives, arts and sciences programs and the facilities thereby providing and enhancing these assets within and nearby the district. The destination marketing services fee may be used to provide services that include, but are not limited to, website, booking engine, calendar of events, interactive map, offering through its partners of promotional package with the opportunity for cost savings and value, e-newsletter, mobile website, mobile applications, press and advertising, social media, video, visitor's guide(s), itinerary tailoring and optimization, kiosks, broadcast advertising, trail system connectivity, banner program, visitor and welcome center(s), Cobb hospitality training and course, specialized sales and booking, brand ambassadors, transportation services and other related services.

Destination Marketing Services District or *district* means the special services district within the county the creation of which is authorized by the Special Districts Clause of the Georgia Constitution and which is identified as such on Exhibit "A" attached to a resolution of the board of commissioners adopted on February 23, 2016, and in Exhibit "B" to the resolution on file with and available for

inspection at the offices of the Cobb County Community Development Department, the Cobb County Clerk and the Cobb County Tax Assessor, both of which exhibits are incorporated herein by reference thereto.

Sec. 114-126. Destination Marketing District established. Pursuant to the authority granted by the constitution and laws of the state, the board created and established the Destination Marketing District for the provision, delivery and enhancement of local government services and facilities. The parcels of real property included within the district and which collectively thereby establish the limits or boundaries of the district are described and identified in Exhibit "A" and "B" incorporated by reference in the board's resolution establishing the district. Both of these exhibits are on file with and available for inspection at the offices of the Cobb County Community Development Department, the Cobb County Clerk and the Cobb County Tax Assessor.

Sec. 114-127. Destination marketing services fee. A destination marketing services fee ("services fee" or "fee") is levied on the per night rate of all hotel rooms in the district to pay, wholly or partially, the cost of leveraging, supplementing or enhancing local government services within the district through destination marketing which will enhance parks, recreation areas, programs, libraries, archives, arts and sciences programs and the facilities that support them, including travel, tourism and commercial activities through conventions, trade shows, tourism, hospitality, and group tour opportunities for visitors to and guests of the district. The amount of this fee shall be fair and reasonable, bearing a substantial relationship to the services offered to all individuals or entities paying such fee.

The destination marketing services fee may be used to provide services that include, but are not limited to, website, booking engine, calendar of events, interactive map, offering through its partners of promotional package with the opportunity for cost savings and value, e-newsletter, mobile website, mobile applications, press and advertising, social media, video, visitor's guide(s), itinerary tailoring and optimization, kiosks, broadcast advertising, trail system connectivity, banner program, visitor and welcome center(s), Cobb hospitality training and course, specialized sales and booking, brand ambassadors, transportation services and other related services.

More specifically, the proceeds of the services fee may be used to pay, wholly or partially, the cost of providing, supplementing or enhancing local government services within the district to:

- (1) develop, operate and maintain quality leads for hotels within the district that will enable consistently higher occupancy rates than regional (outside of the county) competitors;
- (2) create strategic partnerships and alliances among industry stakeholders;
- (3) increase visitors' use and awareness of the county and the parks, recreation, programs, libraries, arts and sciences and facilities services that the county and its businesses and partners offer, thereby generating an economic impact benefitting the county for the services it offers;
- (4) strategically manage and source information for all resources and serving as a catalyst for increased visitation (including return visitation) to the county;
- (5) ensure preparation before, during and after a visit to exceed resident and visitor expectations and experience;
- (6) creates and implements a set of processes for creating, communicating, and delivering value to residents and visitors and for managing resident and visitor relationships in ways that benefit the county;
- (7) facilitate, participate and implement viable partnerships to augment the district destination brand while maximizing media efficiencies;

- (8) coordinate hospitality industry services to maximize financial efficiency for existing county services offerings and increase the availability of tourism relates information;
(9) tourism product marketing (which is the expenditure of funds for the marketing of physical attractions and programs which are available and open to the public and which improve destination appeal to visitors, support visitors' experience and are used by visitors, and which may be accessed through public transportation, transit and utilizing county infrastructure); and
(10) improve and/or invest in infrastructure for publicly owned tourism assets.

Sec. 114-128. Specific benefit. Hotel guests and occupants within the district will derive a specific benefit from the marketing and coordination of local government services to be paid for wholly or partially by the proceeds of the fee in addition to all other benefits conferred or occasioned by fee revenues, including, without limitation, information about mobility and access to county services, attractions and programs, reduced or group pricing availability for attractions, increased recreational and sports tourism, commerce and trade, and the provision or enhancement of the local government services to be provided to accommodate and support the beneficial impact of the economic development opportunities afforded by the additional district development stimulated thereby. The fee will be used to connect the end user through website, booking engine, calendar of events, interactive map, offering through its partners of promotional package with the opportunity for cost savings and value, e-newsletter, mobile website, mobile applications, press and advertising, social media, video, visitor's guide(s), itinerary tailoring and optimization, kiosks, broadcast advertising, trail system connectivity, banner program, visitor and welcome center(s), Cobb hospitality training and course, specialized sales and booking, brand ambassadors, transportation services and other related services.

Sec. 114-129. Rate; collection. The amount of the services fee shall be set by the board and from time to time may be modified by resolution as deemed necessary or prudent so as to fund the continued delivery of the local government services and facilities specified herein. The amount of the destination marketing fee initially set by the board shall be \$3.00 per room per day charge for an overnight accommodation at a hotel in the district; provided, however, that (i) the fee shall be limited to no more than fourteen (14) consecutive nights, and (ii) a hotel shall not be obligated to pay more than a total of \$3.00 per day for the Destination Marketing Service District and the Cumberland Service District No.1 for an overnight accommodation. Specifically, with respect to item (ii), if a hotel is located within the Cumberland Special Services District No. 1, then the \$3.00 per room per day charge shall first be applied towards the purposes set forth in Section 114-94, with any remainder to be applied in accordance with this Section. This fee shall be collected by the owner or operator of each hotel in addition to any other rates, fees, taxes, assessments or levies charged per night to each hotel room.

Sec. 114-130. Special Fund Established. A special fund for the revenues generated by the services fee shall be established and administered by the finance director. Monies shall be used to pay, wholly or partially, the cost of the provision or enhancement of the destination marketing portion of these local government services within the district.

Sec. 114-131. Effective Date. The effective date of the assessment of the services fee shall be July 1, 2016, and collection of the services fee shall commence the following month. The proceeds of the fee shall be deposited in the special fund and used as contemplated by this article.

Sec. 114-132. - Statement required; penalties and interest charges.

- (a) On or before the 20th day of each month following the effective date of this article, each hotel owner or operator responsible for collecting the fee shall transmit to the board or its designee a

1 statement indicating the number of occupied rooms per night and the amount of fee revenues
2 recouped pursuant to this article for the preceding calendar month. Along with said statement, the
3 hotel owner or operator shall submit to the board or its designee the fee revenues due for that
4 particular month.

- 5 (b) Failure to remit fee revenues by the due date shall subject the hotel owner or operator to a penalty
6 of five percent of the fee amount then due and, in addition to such penalty, interest on the unpaid
7 principal amount due, computed at the rate of one percent per month or fraction thereof from the
8 due date of the fee revenues.

9
10 **Sec. 114-133. - Records open for inspection; audit authority.**

- 11 (a) To facilitate the collection of all fee revenues generated pursuant to this article and to aid in the
12 administration and enforcement of this article, all hotel owners or operators shall keep and
13 maintain a record of all fees charged on hotel rooms and the revenues collected.
14 (b) Duly authorized employees of the county, upon the display of identification and during regular
15 business hours, shall be entitled to examine and copy the books, papers, records, financial reports,
16 equipment and other facilities of any hotel owner or operator with respect to such business:
17 (1) To verify the accuracy of any statement or return made pursuant to this article; or
18 (2) If no statement or return is made by the hotel owner or operator in question, to ascertain
19 information necessary to determine accurately the sums due pursuant to this article.
20 (c) Any such examination and inspection shall be initiated and conducted pursuant to rules and
21 regulations established pursuant to this article.

22
23 **Sec. 114-134. - Deficiency determination.**

- 24 (a) If a statement or statements for the fee imposed or the fee revenues to be remitted is inaccurate or
25 incomplete ("questionable return(s)"), the board or its designee may compute and determine the
26 amount required to be paid upon the basis of any information within its possession or that may
27 come into its possession. One or more deficiency determinations may be made of the amount due
28 for one or more monthly periods.
29 (b) The amount of the determination made by the board or its designee shall bear interest at the rate of
30 one and one-half percent per month or fraction thereof from the due date of the fee revenues
31 ascertained to be due but not paid.
32 (c) The board or its designee, in consequence of any such deficiency determination, shall give to the
33 hotel owner or operator written notice thereof. The notice may be served personally or by certified
34 mail. If served by certified mail, the notice shall be addressed to the hotel owner or operator at the
35 address as the same appears in any county record(s) and as provided by such owner or operator.
36 Service by certified mail shall be complete:
37 (1) Upon delivery by certified mail when the receipt therefore is signed by an addressee or agent of
38 the addressee and returned to the board or its designee; or
39 (2) When such certified mail shall be returned to the board or its designee by the United States
40 Postal Service as "unclaimed" or "undeliverable".
41 (d) Except in cases of failure to make or transmit a statement or return, every notice of deficiency
42 determination shall be mailed within three years after the 20th day of the calendar month following
43 the monthly period for which the deficient amount was determined to be due, or within three years
44 after the questionable statement or return was filed, whichever period shall expire last.
45 (e) No deficiency determination shall be made except in accordance with rules and regulations
46 established and approved by the board for deficiency determinations.
47
48

Sec. 114-135. - Failure to make a return.

- (a) If any hotel owner or operator fails to make or transmit a statement or return, the board or its designee shall make an estimate of the fee revenues due. The estimate shall be made for the period or periods in respect to which the hotel owner or operator has failed to make the statement or return and shall be based upon such information which is or may come into the possession of the board. Written notice shall be given in the manner prescribed by section 114-134 of this article.
- (b) The amount of such estimate shall bear interest at the rate of one and one-half percent per month or any fraction thereof from the 20th day of the month following the monthly period for which the amount or any portion thereof should have been transmitted or returned until the date of payment.

Sec. 114-136. - Authority; rules and regulations; records required.

- (a) Authority. The board or its designee shall administer and enforce this article for the imposition and collection of the fee revenues.
- (b) Rules and regulations. The board or its designee shall promulgate such rules and regulations as are necessary for imposition, payment, collection and remittance of the revenues generated by the fee under this article.
- (c) Records required. Every hotel owner or operator subject to this article shall keep and maintain such records, receipts, invoices and other pertinent papers in such form as the board or its designee may require.

Sec. 114-137. - Withholding fee revenues on sale of business.

- (a) If any hotel owner or operator liable for any amount due under this article transfers or sells its business, or quits the business, its successors or assigns shall withhold sufficient monies from the purchase price of the business and business assets, to satisfy the sum(s) due hereunder until the former owner or operator of said hotel produces either:
- (1) A receipt from the board or its designee showing that such indebtedness has been paid; or
- (2) A certificate signed by the board or its designee stating that no amount is due hereunder.
- (b) If the former owner or operator of a Hotel fails to produce either the receipt or certificate referenced in subparagraph (a) hereinabove, the purchaser of, successor to or assign of such business shall transmit to the board or its designee the sufficient monies withheld from the purchase price to satisfy the sums due under this article.
- (c) If the successor to, purchaser or assignee of a hotel fails to withhold from the purchase price and remit to the board or its designee the amount(s) required herein, such successor, purchaser or assignee shall be personally liable for payment of the amount of the outstanding fee revenues due hereunder to the extent of the purchase price of the hotel.

Sec. 114-138. - Penalty for violation.

- (a) In addition to the interest charges and delinquent penalties specified in this article, any person who violates any of its provisions shall be subject to the provisions of section 1-10 of chapter 1 of the Official Code of Cobb County, Georgia as amended. Such persons shall be guilty of a separate offense for each and every day during which any violation of this article is committed, continued, or permitted to continue by that person and shall be punished accordingly.
- (b) The fee imposed by this article shall continue to be assessed and collected within the district until the expiration thereof as provided by law, or until otherwise terminated by the Georgia General Assembly or the board. The proceeds of the fee shall be deposited in the special fund and used as provided in this article.

Sec. 114-139. - Severability; repeal of ordinances in conflict.

(a) Should any one or more of the sections, phrases, clauses and sentences of this article for any reason be held to be unenforceable or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the board intends that such unenforceable or unconstitutional language not affect the remainder of this article, and that the same be construed and considered without any reference to the invalid language as if it had never been included within the text hereof.

(b) All ordinances and parts of ordinances in conflict with this article, to the extent of such conflict, are hereby repealed.

CHAPTER 122 – UTILITIES

ARTICLE II. – WATER AND WASTEWATER SYSTEMS

DIVISION 6. – NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

Sec. 122-188. – ~~Sand and oil grease~~ interceptors.

~~(a) Requirements.~~

~~(1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors or traps, unless exempted by the water system. Additionally, any user who generates a wastewater which contains greater than the quantity of oil and grease regulated under section 122-181, and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap, then such user will be required to install a grease/oil interceptor.~~

~~(2) All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All car/truck wash systems shall be required to install sand traps.~~

~~(3) The requirements of this section shall not apply to private living quarters or dwelling units.~~

(a) Definitions and abbreviations. The following definitions and abbreviations shall apply only to this section.

Access port. A structure that allows access to and inspection of the interior of the interceptor.

Automatic grease removal device (AGRD). A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.

Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

Fixtures. A receptacle or device that discharges liquid waste or liquid-borne solid waste, oil and grease-laden wastes to a drainage system. Fixtures shall include but are not limited to pot sinks; prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers.

Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher prerinse stations, sinks or other appurtenances.

Grease Interceptor, Gravity. Plumbing appurtenances of not less than 750 gallons nor greater than 3000 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.

Grease Interceptor, Hydromechanical. Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

Grease trap. See also grease interceptor or automatic grease removal device.

Influent Tee. A T-shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.

Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

Manifest. A log or record of the volume, date of removal and disposal destination of pumped materials from a grease trap.

Oil/water separator. An interceptor designed specifically to prevent petroleum oils from entering the sewage system or stormwater system.

Passive exterior device (PED). A grease interceptor that requires pumping and is housed outside a building or structure.

Passive interior device (PID). A grease interceptor that requires pumping and is housed inside a building or structure.

Sand trap. An interceptor that prevents sand and/or grit from entering the sewage system.

Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.

User. Establishments such as food service or food preparation establishments, car washes, buildings with dumpsters, garages and other operations that receive county wastewater system service.

~~(b) For facilities other than eating establishments.~~

~~(1) Design criteria. All sand and oil/grease interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight hour flow rate. Flow through velocities shall not exceed one foot per second at the peak eight hour flow rate.~~

~~(2) Compliance with plumbing code. All sand and oil/grease interceptors shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.~~

(b) Right to enter and inspect.

(1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of

nondomestic users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.

(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee will be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the forfeiture of the discharge permit.

~~(c) Maintenance. All users shall maintain their sand and oil/grease interceptors in a proper and effective manner at all times. In maintaining these interceptors, users shall be responsible for the proper recovery, removal, and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the department director. The frequency of removal shall be specified in the permit issued by the water system.~~

(c) Food service establishment

(1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors that must be connected to all fixtures, unless exempted by the county water system. The county water system may exempt food service establishments that are determined by the county water system to not be a source of fats, oils or grease.

(2) Technology required. An approved grease interceptor shall be installed consisting of one of the following methods:

- a. Passive technology that is an approved passive exterior device (PED).
- b. Passive technology that is an approved passive interior device (PID)
- c. Active technology that is an approved automatic grease removal device (AGRD).

(3) Prohibited discharge.

- a. Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease interceptor.
- b. Food-waste grinders shall not discharge into the building drainage system through an interior grease interceptor unless preceded by a solids interceptor.

(4) Passive exterior device (PED) requirements.

- a. Each PED design, including size, type and location shall be reviewed and approved by county water system in substantial conformity to a grease trap detail approved and amended from time to time by the county water system. PEDs shall:
 - i. Be sized and engineered based upon the anticipated load and/or conditions of actual use.
 - ii. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.
 - iii. Be traffic-worthy with at least one manhole opening over each of the influent and effluent tees. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).
- b. Sizing. All passive exterior devices shall be sized by the county water system in accordance with standards developed by county water system.

(5) Interior device requirements. Interior devices may be allowed in lieu of PEDs in accordance with the following conditions:

- a. A technically logistical reason exists as to why a passive exterior device cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).
- b. The installation or use of all interior devices must be approved by the county water system.
 - i. Passive Interior Devices PIDs shall be sized by the county water system in accordance with standards developed by the county water system.
 - ii. Automatic grease removal device (AGRD) shall be sized by the county water system in accordance with standards developed by the county water system.

(6) Alternative technology/methods. Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by the county water system.

~~(d) Proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil water separator, or sand trap, which is not an AIRD, must be performed by waste disposal firms holding a current registration and permit number as a commercial waste hauler under EPD rules. The collected materials shall not be returned to the wastewater system.~~

(d) Facilities other than food service establishments. All interceptors for areas below must have county water system approval.

(1) Sand traps

- a. All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All car/truck wash systems shall be required to install sand traps.
- b. Design criteria. All sand traps used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.
- c. Compliance with plumbing code. All sand traps shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.

(2) Dumpster interceptor/dumpster pads Dumpsters/dumpster pads may be allowed to connect to the wastewater system under the following conditions:

- a. The dumpster/dumpster pad is covered and constructed in such a manner so as to protect the drainage connection from stormwater runoff; and
- b. The drain is connected to a passive exterior device which will be maintained by the user in the method prescribed by this section for other passive exterior devices. The trap shall be at least 750 gallons and shall comply with the dumpster trap detail approved and amended from time to time by the county water system.

(3) Oil/Water Interceptor

- a. All users whose wastewater stream may include oily and/or flammable liquid wastes shall install an interceptor.

b. Design criteria. All interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

~~(e) Registration requirement. Each user required to install an oil/grease or sand recovery system as set forth in paragraphs (a) or (b) of this section shall register its recovery system with the water system for the purpose of obtaining a discharge permit. Such application shall include the name, address, telephone number and factors indicating the potential for grease or grit laden waste to be introduced into the wastewater collection system. The water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease removal system. The water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by the water system.~~

(e) Interceptor user responsibilities and requirements. This section applies to all interceptors permitted by the county water system.

(1) Registration requirement.

a. Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall register its interceptor with the county water system for the purpose of obtaining a discharge permit. Such applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by the water system.

(2) User responsibility.

a. Users that are required to install an interceptor shall be responsible for the cleaning and maintenance of the interceptor located on the property.

b. The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the county water system will require the user to repair, replace or upgrade their interceptor at the user's expense.

c. The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of fats, oils and grease. These records are subject to inspection and review by the county water system pursuant to and in accordance with subsection (b)(1) above.

- d. Any removal and hauling of fats, oils, and grease shall be performed by a registered commercial waste transporter.
- e. The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that the interceptor complies with the county water system's design criteria. The user will be required to make any repairs to the interceptor required by the county water system.
- f. All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user.

(3) Maintenance requirements.

- a. Interceptor maintenance. All interceptors shall be maintained by the user at the user's expense. All users shall maintain their interceptors in a proper and effective manner at all times. Maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All interceptors shall be properly and adequately maintained so as to achieve the intended purpose of the device.
- b. Recovery and removal for all interceptors. Users shall be responsible for the proper recovery, removal, and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the county water system.
- c. All PEDs shall be completely pumped out at a minimum of once every three months unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of pumping shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.
- d. All PIDs shall be completely pumped out monthly unless the county water system requires more frequent pumping or approves less frequent pumping.. The frequency of removal shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system.
- e. All AGRD's shall be maintained in accordance with the manufacturers recommendations and a copy of same shall be maintained at the site for review and inspection by the county water system.
- f. All interceptors for facilities other than food service establishments shall be pumped out at a frequency established by the county water system to ensure that there are no overflows of sand, fats, oils or grease into the wastewater system.

(4) Requirements for the proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil-water separator, or sand trap, which is not an AGRD, must be performed by waste disposal firms holding a current registration and permit number as a commercial waste hauler under EPD rules. The collected materials shall not be returned to the wastewater system.

(5) Record keeping requirements. All users with an interceptor must keep a record of any cleaning or maintenance of their interceptor. The following records must be kept on-site at the facility or,

in the case of dumpster traps, at the office of the property management company for a minimum of three years:

a. *Manifest.* The removal of interceptor contents (PEDs or PIDs) must be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.

i. This manifest shall contain the following information:

a. Generator information, including name, address, volume pumped, date and time of the pumping and signature of the generator verifying the information.

b. Transporter information, including company name, address, license plate number, permit number and driver's name and signature verifying transporter information.

c. Receiving information, including the facility's name, address, date and time of receiving, EPD number and signature verifying receipt of the waste.

ii. Completed grease trap cleaning manifests must be submitted to the county water system office of environmental compliance within 14 days after the trap is cleaned.

(a) *Maintenance log.* For all AGRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system upon request.

(f) *Violations and enforcement.*

(1) *Violations.* It shall be unlawful for any user or customer to discharge to the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections 122-41 through 122-56 to the extent such violations, notice and penalties are not addressed in this section.

(2) *Noncompliance.* If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, the contractor named in the permit, or the user's authorized agent. If the user is not a customer (e.g., if the user is a tenant in a master-metered development), then the customer for the property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.

(3) *Failure to comply.* Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county water system. If a user who fails to comply with a notice of violation is not a customer, then the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by the county water system. Additionally, the county water

system may request that the board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections 122-44 and 78-45.

- (4) Overflow charge. Any sewer or manhole overflow traced to an inadequately operating interceptor or lack of an interceptor will result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated wastewater system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections 122-41 through sections 122-60. Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater system caused by grease traced to any inadequate or absent interceptor.
- (5) Alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to section 1-10.

~~Sec. 122-188.1. Grease recovery systems.~~

~~(a) Definitions and abbreviations. The following definitions and abbreviations shall apply only to this section 122-188.1:~~

~~Active interior recovery device (AIRD). A grease interceptor housed inside a building or structure that automatically cleans itself of accumulated fats, oils and grease at least once every 24 hours.~~

~~Clean-out port. A pipe that extends from the ground surface to the interior of the passive exterior device ("PED") so as to allow access to and inspection of the interior of the PED.~~

~~Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.~~

~~Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.~~

~~Grease recovery system. A single unit or a system of interceptors, separators, or traps which prevents free floating fats, oils and grease from entering the sewage system by recovering and removing these substances from water.~~

~~Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other commercial source where fats, oils and grease may enter the wastewater system.~~

~~Grease interceptor. A plumbing appurtenance that is installed in a sanitary drainage system to intercept fats, oils and greases from a wastewater discharge.~~

~~(Grease) trap. An interceptor, separator or recovery vehicle that prevents free floating fats, oils and grease from entering the sewage system. See also grease interceptor.~~

~~Influent Tee. A T shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.~~

~~Manifest. A log or record of the volume, date of removal and disposal destination of pumped materials from a grease trap.~~

~~Passive exterior device (PED). A grease interceptor that requires pumping and is housed outside a building or structure.~~

~~Passive interior device (PID). A grease interceptor that requires pumping and is housed inside a building or structure.~~

~~Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.~~

~~User. Food service or food preparation establishments, their owners or operators, or their agents, that receive county wastewater system service and/or reclamation facility service.~~

~~(b) General.~~

~~(1) Users that generate or use fats, oils, or grease or any combination thereof, and discharge water to a county wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements set forth under this section.~~

~~(2) Users with passive interior devices which were in existence prior to January 1, 2001, may continue to operate with such devices until such time as there is a change of owner or operator, expansion of the establishment, change from a fast food to full service establishment, or they receive official notice from the county water system.~~

~~(3) The county water system may exempt food service establishments that are known to not be a source of fats, oils, or grease from the grease recovery system installation requirement.~~

~~(c) Administration.~~

~~(1) Registration requirement. Each user required to install a grease recovery system shall register its grease recovery system with the county water system for the purpose of obtaining a discharge permit. Such permit application shall include the name, address, telephone number and factors indicating the potential for grease-laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease recovery system. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by the county water system.~~

~~(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the grease recovery system for the discharge permit. However, if the grease recovery system is not in compliance with this section, a reinspection fee will be charged for each inspection thereafter until the grease recovery system is in compliance and approved by the county water system. Failure to pay the reinspection fee shall result in the forfeiture of the discharge permit.~~

~~(3) Records. All users with a grease recovery system must keep a record of any cleaning or maintenance of their grease recovery system. The following records must be kept on-site at the food service establishment for a minimum of three years:~~

~~a. Manifest. The removal of grease trap contents (PEDs or PIDs) must be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.~~

~~1. Information. This manifest shall contain the following information:~~

- ~~A. Generator information, including name, address, volume pumped, date and time of the pumping and signature of the generator verifying the information.~~
- ~~B. Transporter information, including company name, address, license plate number, permit number and driver's name and signature verifying transporter information.~~
- ~~C. Receiving information, including the facility's name, address, date and time of receiving, EPD number and signature verifying receipt of the waste.~~
- ~~2. Reporting. Completed grease trap cleaning manifests must be submitted to the county water system Office of Environmental Compliance within 14 days after the trap is cleaned.~~
- ~~b. Maintenance log. For all AIRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system personnel upon request.~~
- ~~(d) Grease recovery systems.~~
 - ~~(1) Where required. Grease recovery systems shall be installed where grease laden waste from food preparation, food processing or other commercial use will be discharged into the county wastewater system.~~
 - ~~(2) Technology required. An approved grease recovery system shall be installed consisting of one or a combination of the following methods:
 - ~~a. Passive technology that is an approved passive exterior device (PED).~~
 - ~~b. Active technology that is an approved active interior recovery device (AIRD).~~~~
 - ~~(3) Prohibited discharge.
 - ~~a. Waste that does not contain fats, oils or grease and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system.~~
 - ~~b. Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease trap.~~
 - ~~c. Food waste grinders shall not discharge into the building drainage system through an interior grease trap unless preceded by a solids interceptor.~~~~
 - ~~(4) Dumpsters/dumpster pads. Dumpsters/dumpster pads may be allowed to connect to the wastewater system under the following conditions:
 - ~~a. The dumpster/dumpster pad is covered and constructed in such a manner so as to protect the drainage connection from stormwater runoff; and~~
 - ~~b. The drain is connected to a passive exterior device which will be maintained by the user in the method prescribed by this section for other passive exterior devices. The trap shall be at least 750 gallons where restaurants or food preparation establishments are the users or are in the vicinity and the trap shall comply with the grease trap detail approved and amended from time to time by the county water system. The trap shall be at least 300 gallons for offices, retail and other non-food preparation users and shall comply with the~~~~

~~dumpster trap detail approved and amended from time to time by the county water system.~~

- ~~c. Each user who installs a dumpster trap shall register its grease recovery system with the county water system for the purpose of obtaining a discharge permit. Such application shall include the name, address, telephone number and factors indicating the potential for grease laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease recovery system. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by the county water system.~~

~~(5) Passive exterior device (PED) requirements.~~

- ~~a. Each PED design, including size, type and location shall be reviewed and approved by the engineering and records division of the county water system in substantial conformity to a grease trap detail approved and amended from time to time by the county water system. PEDs shall:~~

- ~~1. Be sized and engineered based upon the anticipated load and/or conditions of actual use.~~
- ~~2. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.~~
- ~~3. Be traffic worthy with at least one manhole opening over each of the influent and effluent tees. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).~~
- ~~4. Contain baffles sufficient to allow a proper separation of grease from water.~~
- ~~5. Be a minimum of 750 gallons and a maximum of 3,000 gallons in size (300 gallons allowed for nonfood prep dumpster pads only, as noted in previous section). Multiple PEDs are allowed, configured in series where possible.~~

- ~~b. Sizing. All passive exterior devices shall have a capacity and design in compliance with the following equations:~~

- ~~1. Restaurants:~~

$$\text{(S)} \times \text{(20)} \times \text{(Hr/12)} \times \text{(LF)} = \text{capacity in gallons}$$

~~S = number of seats in dining/bar area~~

~~Hr = number of hours open~~

~~LF = loading factor:~~

~~1.25 interstate highways~~

~~1.00 other freeways, shopping centers, recreational areas~~

0.8 main highways

~~2. Fast food (disposable serviceware):~~

$$(S) \times (12) \times (Hr/12) \times (LF) + (TO) \times 2.5 = \text{capacity in gallons}$$

S = number of seats in dining/bar area

Hr = number of hours open

LF = loading factor:

1.25 interstate highways

1.00 other freeways, shopping centers, recreational areas

0.8 main highways

TO = Take-out orders/day

~~3. Hospitals, schools, nursing homes, or other types of commercial food preparation facilities:~~

$$(M) \times (5) \times (LF) = \text{capacity in gallons}$$

M = meals per day

LF = loading factor:

1.0 with regular serviceware

0.5 with disposable serviceware

~~(6) Passive interior devices (PIDs). There shall be no PIDs installed in any user's premises upon the effective date of this article.~~

~~(7) Active interior recovery device requirements. AIRDs may be allowed in lieu of PEDs in accordance with the following conditions:~~

~~a. A technically logistical reason exists as to why a passive exterior device cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).~~

~~b. The installation or use of all active interior recovery devices must be approved by the Engineering and Records Division of the county water system.~~

~~(e) Alternative technology/methods. Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by the county water system.~~

~~(f) User responsibility.~~

~~(1) User responsibility and acknowledgement.~~

~~a. Users that are required to install a grease recovery system shall be responsible for the cleaning and maintenance of the grease recovery system located on the property. The~~

~~user shall be responsible for maintaining any grease recovery system pursuant to subsection b., below, and in such a manner that the grease discharge shall not exceed the county's daily maximum discharge limits as developed and approved by the county board of commissioners. The currently adopted limits shall be on file at the office of the county clerk and at the office of the director of the county water system.~~

~~b. The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of fats, oils and grease. These records are subject to inspection and review by the county water system pursuant to and in accordance with subsection (c)(3) above.~~

~~c. Any removal and hauling of fats, oils, and grease shall be performed by a registered commercial waste transporter. If the grease recovery system fails to prevent discharge over the daily maximum, the county water system will require the user to repair, replace or upgrade their grease recovery system, which may include one or more of the user's devices, at the user's expense.~~

~~d. All costs related to the building's sewer installation, grease recovery system or connection and registration shall be borne by the user.~~

~~e. The user shall be required to sign an Acknowledgment Form furnished by the county water system attesting to the user's understanding of the aforementioned responsibility.~~

~~(2) Grease trap maintenance.~~

~~a. All grease traps shall be maintained by the user at the user's expense. For passive internal devices and passive external devices, maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All grease recovery systems shall be properly and adequately maintained by the user so as to achieve the intended purpose of the device.~~

~~b. In the maintaining of these grease recovery systems, the user shall be responsible for proper recovery, removal and disposal by appropriate, approved means of the captured material by a licensed waste disposal or rendering firm.~~

~~c. All PEDs shall be completely pumped out at a minimum of once every three months, or more frequently as required by the county water system to protect the wastewater system. The county water system may establish a less frequent schedule to address unusual situations such as schools closed during the summer or establishments with known low usage of fats, oils, and grease. The frequency of removal shall be such as to ensure that no overflows of fats, oils or grease into the wastewater system ever results. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.~~

~~d. All PIDs shall be completely pumped out at a frequency established by the county water system to ensure the protection of the wastewater system.~~

~~e. All AIRDs shall be maintained in accordance with the manufacturers recommendations and a copy of same shall be maintained at the site for review and inspection by the county water system. A continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be~~

maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system personnel upon request.

~~(g) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties, without prior notification, for compliance with code. This right of inspection shall include the right to measure, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.~~

~~(h) Violations and enforcement.~~

~~(1) Violations. It shall be unlawful for any user or customer to discharge water to the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections 122-41 through 122-56 to the extent such violations, notice and penalties are not addressed in this section.~~

~~(2) Noncompliance. If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, the contractor named in the permit, or the user's authorized agent. If the user is not a customer (e.g., if the user is a tenant in a master metered development), then the customer for the property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.~~

~~(3) Failure to comply. Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county water system. If a user who fails to comply with a notice of violation is not a customer, then the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by the county water system. Additionally, the county water system may request that the county board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections 122-44 and 78-45.~~

~~(4) Overflow charge. Any sewer or manhole overflow traced to an inadequately operating grease recovery system or lack of a grease recovery system will result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated wastewater system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections 122-41 through sections 122-60. Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater system caused by grease traced to any inadequate or absent grease recovery system.~~

~~(5) Alternative penalties. Any violation of this section may also be enforced by a citation or
accusation returnable to the magistrate court of the county pursuant to section 1-10.~~

DIVISION 9. – OUTDOOR WATER USE RESTRICTIONS

Sec. 122.263. ~~Other outdoor water uses during non-drought periods~~ Water use schedule during declared drought response levels.

~~For outdoor uses not associated with landscape watering, such as car washing, pressure washing,
outdoor cleaning, pool filling, etc., the following rules apply during non-drought periods:~~

~~(a) Odd-numbered addresses: Outdoor water use is allowed on Tuesdays, Thursdays and Sundays.~~

~~(b) Even-numbered addresses: Outdoor water use is allowed on Mondays, Wednesdays and Saturdays.~~

Within 5 days of receipt of notice from EPD of a drought response level declared pursuant to their
Rules for Drought Management, specifically 391-3-30-.05. The county shall implement the applicable
drought response strategies listed below.

(a) Drought Response Level 1.

(1) The county shall implement a public information campaign that shall include, at a minimum,
public notice regarding drought conditions and drought specific public-service messages in one
or more of the following ways: newspaper advertisements, bill inserts, website homepage,
social media, and notices in public libraries.

(b) Drought Response Level 2. During Drought Response Level 2, The county shall implement all Drought Response Level 1 measures plus the following additional Drought Response Level 2 measures:

(1) General outdoor watering. Outdoor irrigation for purposes of planting, growing, managing, or
maintaining ground cover, trees, shrubs, or other plants, shall be limited to two days a week on
an odd-even schedule. Even numbered addresses may irrigate on Wednesday and Saturday
between the hours of 4:00 p.m. and 10:00 a.m. Odd numbered addresses may irrigate on
Thursday and Sunday between the hours of 4:00 p.m. and 10:00 a.m.

(2) Specific categories of outdoor water use. The outdoor water uses listed in Sec. 122-262 shall be
allowed.

(3) The following outdoor water uses shall not be allowed, except as provided below:

- a. Washing hard surfaces such as streets, gutters, sidewalks and driveways, except when
necessary for public health and safety;
- b. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls;
- c. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing;
- d. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts;
- e. Non-commercial washing, or pressure washing, of buildings or structures, except for
immediate fire protection; and
- f. Charity, or non-commercial fund-raiser, car washes.

(4) The county shall select and implement four or more additional practices from the drought
response strategies menu in paragraph (d) below. The county shall submit monthly reports to
the GAEPD by the 10th of each following month detailing the drought response strategies the

- 1 county water system has selected, the extent of implementation, and enforcement strategy, if
2 applicable.
- 3 (c) Drought Response Level 3. During Drought Response Level 3, The county shall implement all Drought
4 Response Level 1 and 2 measures plus the following additional Drought Response Level 3 measures:
- 5 (1) General outdoor watering. Outdoor irrigation for purposes of planting, growing, managing, or
6 maintaining ground cover, trees, shrubs, or other plants is not permitted.
- 7 (2) Specific categories of outdoor water use. The outdoor water uses listed in Sec. 122-262 shall be
8 allowed, subject to the following additional requirements:
- 9 b. Irrigation of personal food gardens shall be conducted between the hours of 4:00 p.m. and
10 10:00 a.m., unless done using drip irrigation or soaker hoses. Irrigation of personal food
11 gardens using drip irrigation or soaker hoses may be done at any time;
- 12 c. Handwatering with a hose with automatic shut off or handheld container may be conducted
13 between the hours of 4:00 p.m. and 10:00 a.m.;
- 14 d. Irrigation of athletic fields or public turf grass recreational areas may be conducted between
15 the hours of 4:00 p.m. and 10:00 a.m., subject to the two days a week odd-even schedule
16 described in Drought Response Level 2;
- 17 e. Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation
18 Prediction and Estimation Worksheet" and only between the hours of 4:00 p.m. and 10:00
19 a.m., provided, however, irrigation of golf course greens may occur at any time of day;
- 20 f. Use of reclaimed wastewater by a designated user shall not be allowed for general outdoor
21 watering. It shall be allowed for any use described in Sec. 122-262; and
- 22 g. Installation, maintenance, or calibration of irrigation systems is allowed, provided that it is
23 done by professional landscapers or golf course superintendents.
- 24 (3) The county shall implement all practices from the drought response strategies menu in
25 paragraph (d) below.
- 26 (4) Numeric water usage reduction requirements.
- 27 a. In severe shortages GAEPD may establish numeric reduction requirements for public water
28 systems whose monthly average water use is greater than one million gallons per day. The
29 county water system is required to comply with numeric usage reductions. At that time
30 additional water use restrictions and measures may be developed at the direction of the
31 county manager.
- 32 (d) Drought response strategies menu.
- 33 (1) Public information campaign that goes significantly beyond the minimum notice and public
34 service messages associated with Drought Response Level 1;
- 35 (2) Glasses of water provided to restaurant customers only upon request;
- 36 (3) Distribute retrofit kits and water saving devices to customers. These kits and devices may
37 include, but not be limited to, shower heads, leak dye tabs, toilet tank displacement devices,
38 and hose shut off nozzles;
- 39 (4) Technical assistance outreach program to target high users to identify and/or recommend
40 opportunities to reduce water usage;

- (5) Reduce water distribution system pressure, unless such reduction would create unsafe water supply conditions;
 - (6) Pool cover requirements;
 - (7) Implement a drought surcharge program, or tiered conservation rates.
 - (8) Suspension of street cleaning program(s);
 - (9) Implement, or accelerate, leak detection and repair program(s); and
 - (10) Impose monetary penalties or terminate water services to customers to reduce outdoor water waste due to excessive application, outdoor leaks, improper irrigation, or other similar reasons.
- (e) Professional exemptions. The following commercial outdoor water uses are exempt from the outdoor water use restrictions of this section:
- (1) Pressure washing;
 - (2) Permanent car wash facility, provided that it is connected to a sanitary sewer system of a political subdivision or local government authority or recycles used wash water;
 - (3) Construction sites;
 - (4) Watering-in of pesticides and herbicides on turf; and
 - (5) Other activities essential to daily business.

Sec. 122-264. --Outdoor water use schedule during declared drought response levels Emergency Variance Requests.

~~Outdoor water use and exemptions during state declared drought levels are in accordance with O.C.G.A. § 12-5-7 and Georgia Department of Natural Resources Rules 391-3-30-.04 and 391-3-30-.05.~~

As provided for in O.C.G.A. §12-5-7(a)(1), a political subdivision of this state or local government authority shall not be prohibited from imposing more stringent restrictions on outdoor water use than those required by Chapter 391-3-30 in case of an emergency which immediately threatens the public health, safety, or welfare; provided, however, that such emergency restrictions shall be valid for a period not to exceed seven days unless a variance is granted by the Director of the Georgia Environmental Protection Division.

Sec. 122-265. --Right to curtail water usage during emergency conditions.

~~(a) Authority. The county may, upon application to and approval by the director of the Environmental Protection Division of the Georgia Department of Natural Resources for good cause shown, impose more stringent restrictions on outdoor water use during non-drought periods or impose more stringent restrictions than those applicable restrictions, if any, imposed by the state during state declared periods of drought. For purposes of this section, 'good cause' means evidence sufficient to support a reasonable conclusion, considering available relevant information, that such additional restrictions are necessary and appropriate to avoid or relieve a local water shortage. A variance granted pursuant to this section shall be valid for such period as determined by the director of the Environmental Protection Division.~~

~~(b) Emergency conditions. For the purposes of this section only, emergency conditions shall include, but not be limited to times of drought, low stream flows, interruptions in the raw water supply due to breaks or contamination, inability of the filter plants to meet demand, excessive losses or~~

~~demands in the distribution system due to breaks, fires or other causes, contamination in the finished water, or any other purpose for which the curtailed use of water might be reasonably required in the best interest of public health, safety and welfare as determined by the county manager.~~

~~(c) Restrictions. The water conservation measures may include restrictions or prohibitions on nonessential uses such as swimming pool filling, watering of lawns and gardens, washing of recreational or other vehicles, equipment, sidewalks, driveways, parking areas, tennis courts, patios and other paved areas, recreational uses, and other uses which the county manager may deem to be nonessential and that have been approved by the director of the Environmental Protection Division.~~

~~(d) Notice. A notice of the restrictions or prohibitions imposed under this section and approved by the director of the Environmental Protection Division shall be published in the county organ in a non-legal section. The notice shall set forth the specific nature of the restrictions or prohibitions, the reasons for the imposition of the restrictions or prohibitions, the date upon which the restrictions or prohibitions become effective, and their duration. The restrictions and prohibitions shall become effective no sooner than the first day following the publication date of the first notice. The notice shall be published once a month while the restrictions and prohibitions are in effect.~~

Sec. 122-266~~5~~. - Enforcement.

...

Sec. 122-267~~6~~. - Rain sensor requirement for landscape irrigation systems.

...

Sec. 122-267. – Water waste ordinance for outdoor water use

The water waste ordinance is to encourage the efficient use of outdoor water and the proper maintenance of irrigation and plumbing systems. “water waste” is defined in this section to mean the unnecessary loss of water through improper application or failure of a plumbing or irrigation system resulting in excessive runoff. Any person in violation of the water waste ordinance shall be subject to an appropriate penalty outlined in Sec. 122-265 for the outdoor water use restrictions. The following activities will be subject to a penalty:

- (a) A broken irrigation system (missing heads, broken pipes, etc.)
- (b) Excessive runoff – water running down the driveway, street, or sidewalk.
- (c) A hose running unattended without a shutoff nozzle.
- (d) A visible and unrepaired leak in excess of 1 gallon per minute.

CHAPTER 126 – VEHICLES FOR HIRE

ARTICLE II. - WRECKERS

DIVISION 1. - GENERALLY

Sec. 126-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Basic tow job* means and includes the furnishing of a wrecker and all work necessary to properly hook up a damaged or undamaged vehicle and tow it to a storage area.~~

...

Heavy Tow Job means and includes the furnishing of a heavy wrecker and all work necessary to properly hook up any heavy equipment.

Standard tow job means and includes the furnishing of a wrecker and all work necessary to properly hook up a damaged or undamaged vehicle and tow it to a storage area.

State of Emergency – whenever there is a declared state of emergency for the county.

Sec. 126-27. - Violations of article; penalties.

(a) Violations of the provisions of this article shall be punished as provided in section 1-10 of the county code, and may be brought on citation in the magistrate court with or without a prosecutor.

Sec. 126-29. - Identification of all wreckers.

All wreckers which operate upon any of the streets of the unincorporated area of the county shall be clearly identified in compliance with the ~~state Georgia Department of Public Safety public service commission~~ transportation rule ~~1-7-02(d) and (e)~~, as amended, 1-10, with the name and domicile of the wrecker service operating the wrecker, ~~and its county business license number.~~

Sec. 126-32. - Duty to use due care; clearing of glass and debris.

(b) The driver of each wrecker truck towing away any vehicle from the scene of a wreck shall also take away all parts belonging to the vehicle which he is towing away; ~~or and, if they consist upon~~ existence of small parts, ~~or~~ broken glass, fluids, he shall clear the right-of-way of such ~~small parts and glass debris~~, unless the driver is ordered not to do so by the investigating police officer due to circumstances at the scene of the accident.

Sec. 126-33. - Information to be supplied to police department; notification to owner.

(b) Upon receipt of such information, the police department shall immediately take steps to ascertain the identity of the vehicle owner. Such information will be provided to the wrecker service for the purpose of notifying the owner ~~and notify him~~ of the time and place of removal and of the present whereabouts of the vehicle.

Sec. 126-34. - Vehicle inventory; procedure.

(a) Whenever any vehicle is removed by a wrecker service at the direction of a police officer, the police officer shall make a thorough inventory of all equipment, accessories, personal articles and other items either attached to or located within the vehicle. The inventory shall be completed on a form supplied or approved by the police department, ~~and signed by the officer in charge of the removal.~~ Upon acceptance of the vehicle and prior to its removal, the agent or employee of the wrecker service performing the removal shall sign the inventory form. The police department shall provide the wrecker service with a copy.

Sec. 126-35. - Wrecker service to hold vehicles upon direction of police.

When specifically directed to do so by the police department, the wrecker service shall hold vehicles for investigative purposes, evidence, condemnation, forfeiture or any other purposes permitted by law.

Upon the written and signed authorization of the police department on a form prescribed by the police department, the wrecker service shall release any vehicle so held to the owner, his authorized representative or other person entitled by law to possession of the vehicle.

...

Sec. 126-37. - County impoundment facility.

Nothing contained in this article shall be construed to prohibit the police department from providing its own impoundment facility upon county property for the purpose of storing or holding vehicles for investigative purposes, evidence, condemnation, forfeiture or any other purpose permitted by law.

Secs. 126-38—126-50. - Reserved.

DIVISION 2. - ZONES AND ZONE HOLDERS

...

Sec. 126-53. - Zone assignments; method of awarding zones.

...

(b) No application shall be processed under this article unless the applicant shall certify that the applicant currently owns or leases the equipment which is described in the MES. Ownership and leasehold interests shall be considered as criteria in the highest ranked selection process hereinafter provided. If the applicant does not currently own or lease the tow equipment described in the MES, the applicant must certify that the applicant shall, upon the commencement date of the zone award, own or lease the tow equipment described in the MES. If the applicant does not currently own or lease tow the equipment, the applicant shall deliver, at the time of submitting the application, a \$5,000.00 bond, in the form of check, cash or money order, payable to the county, and such \$5,000.00 shall be forfeited by the applicant if the applicant receives the award of a zone but thereafter fails to comply with any provision of this article. The bond shall be returned to the applicant upon either of the following conditions:

(1) The applicant is not selected as the zone holder; or

(2) The applicant fully complies with all provisions of this article after having been selected the zone holder.

The applicant shall comply with the tow equipment specifications of the MES on or before the effective date of the award of the zone. The effective date of the award of the zone shall be the date of execution of the permit by the county, unless the permit provides for some other effective date.

...

(d) Assignment of a zone for a zone holder shall be for a minimum permit term of four years ...

(e) During the last six months of the permit term, the board of commissioners shall cause a notice and request for zone applications to be published in the official county newspaper once a week for two weeks. The notice shall specify when applications must be submitted and the general zone area. Wrecker services which are interested in becoming or remaining zone holders may submit an application for assignment as a zone holder for a particular zone. The application shall:

...

(7) Include a certificate of insurance quote for an endorsement of a combined single limit naming the county as an additional insured or provide a copy of the endorsement naming the county as an additional insured showing compliance with section 126-60.

- 1 ...
2 (f) The police department shall investigate all applications, such investigations to include, among other
3 things, a determination that the applicant has complied with the requirements of this article and
4 particularly section 126-60, and a review of the driver operating records and any records of
5 adjudications of guilt of the personnel to be employed by the wrecker service. Upon completion of
6 such investigation, the ~~police department~~ of public safety shall notify ~~the applicant and~~ the board of
7 commissioners ~~that such of the qualified applicants is qualified~~ to be considered for a wrecker zone.
8 (g) The applications of all applicants and their QAF, along with the investigative findings of the police
9 department, will be forwarded to the selection committee, which shall within ten days of the receipt
10 of the same, rank order the applicants for each zone based on the highest ranked criteria, which
11 ranking shall be within the sole discretion of the selection committee. The selection committee shall
12 forward the name of the highest ranked applicant for each zone to the county department of public
13 safety, which shall then prepare the appropriate permit for the various zones.
14 (h) If there is no qualified applicant for a zone, the police department may, in its sole discretion, select
15 from any otherwise ~~the qualified applicants for other zones~~ and offer a permit to such applicant for
16 such zone. In considering applicants for the zone for which they did not first apply, the police
17 department shall reconsider factors in the QAF which may require re-evaluation based on
18 geographical or other aspects ~~of when~~ considering the applicant for the zone.
19 (i) Prior to the effective date of the zone permit, the selected applicant must provide, to the Cobb
20 County Police Permits Unit, No zone permit shall be effective until the applicant has obtained a valid
21 county business registration certificate and permit from the public service commission and received
22 the signed permit as provided in section 126-55. A zone permit shall may be deemed automatically
23 revoked if the wrecker service suffers expiration or revocation of its county business license, or
24 permit.

25 ...
26
27 **Sec. 126-54. - Due cause for denial of application.**

- 28 (a) The director of public safety, or designee, shall have due cause to find an applicant not qualified due
29 to any of the following circumstances:
30 ...
31 (7) Each applicant, ~~and~~ all employees and principals associated with the applicant, shall be required
32 to possess a current, valid Georgia drivers license which must not be limited as defined by
33 O.C.G.A. §§ 40-5-58 and 40-5-64, be a citizen of the United States or an alien admitted for
34 permanent residence or a person who has otherwise been granted employment authorization
35 by the United States Citizenship and Immigration Services and submit to a police background
36 check, ~~and~~ ~~the~~ The existence of any of the following items shall result in a denial of the application.
37 Owners and principals shall be examined for a ten-year period, and employees shall be
38 examined for a five-year period. A conviction, plea of guilty, ~~or~~ entry of a nolo contendere plea
39 of any of the following shall result in a denial of the application:
40 a. Any felony crime.
41 b. Any one misdemeanor crime involving a controlled substance, obstruction of law
42 enforcement or theft; or ~~More than one~~ other misdemeanor crime.
43 c. Any suspension or revocation of driving privileges, other than administrative suspensions.
44 d. Any serious traffic offense as follows:
45 1. Reckless driving as defined in O.C.G.A. § 40-6-390.
46 2. ~~More than one~~ Driving under the influence as defined in O.C.G.A. § 40-6-391.
47 3. Homicide by vehicle as defined in O.C.G.A. § 40-6-393.
48 4. Serious injury by vehicle as defined in O.C.G.A. § 40-6-394.

5. Fleeing, eluding or impersonating a law enforcement officer as defined in O.C.G.A. § 40-6-395.

(b) All zone holders shall notify the police department permits unit in writing of any material change of the applicant, employees, principals associated with the applicant or any employee thereof or any business change in status within 72 hours of such change, which change shall affect any requirement contained in this article. Failure to comply with this requirement may result in the revocation or suspension in accordance with section 126-56.

Sec. 126-55. - Written permit, limitation on number of zones held.

Upon the award of a zone, a written, signed permit shall be issued by the county to the zone holder in a form supplied by the ~~police department~~ of public safety. No zone holder shall have a permit for more than one zone for each zone type. The zone permit will incorporate by reference the terms and conditions of the QAF and shall be subject to the provisions of this article.

Sec. 126-59. - Requirements for impound facilities; inventory.

~~(b) Each zone holder shall submit an inventory every two weeks of all vehicles remaining in its possession whose owner has not been identified and notified. The inventory shall be submitted in writing to the Cobb County Police Department Permits Unit.~~

(b) The zone holder shall provide the Cobb County Police Department with five storage areas in each impound lot at no charge for police confiscated vehicles with investigative holds. This only applies to storage fees. The towing fee is the responsibility of the vehicle owner. Each area to be minimum size of one passenger car. The five no-charge storage areas shall be within each impound lot in a specific area easily accessible and mutually agreed upon by Cobb County Police Department and the wrecker service.

~~(d)~~(c) Each zone holder shall notify the Cobb County Police Department Permits Unit of any damage or theft to a vehicle that was impounded by the Cobb County Police Department which occurs while the vehicle is in the possession of the zone holder. Additionally, the zone holder will provide the police report/case number from any jurisdiction where the incident was reported.

Sec. 126-60. - Insurance required.

Zone holders shall carry insurance policies in the below listed amounts ~~of \$1,000,000.00~~, indemnifying the county against loss or damage occasioned by negligence or misfeasance on the part of the wrecker service, and naming the county as an additional insured. Such policies shall also provide for full loss, theft or damage benefits payable to any vehicle or property owner suffering loss, theft or damage with respect to any vehicle or to equipment, accessories, personal articles or other items either attached to or located within a vehicle removed and/or stored while such vehicle is in the custody, control and possession of the wrecker service. ~~If there is a loss and the wrecker service's insurer does not pay the vehicle or property owner suffering loss, theft or damage within a reasonable period of time, then the wrecker service shall be liable to the owner for his loss.~~

(a) Commercial General Liability: \$1,000,000 combined single limit per occurrence for comprehensive coverage for bodily and personal injury which includes sickness, disease or death, injury to or destruction of property, including loss of use resulting therefrom, damage for premises / operations, products / completed operations, independent contractors and contractual liability (specifically covering the indemnity), broad-from property damage, and underground explosion and collapse

- 1 hazard. This coverage may be achieved by using an excess umbrella policy. The policy or policies
2 must be on "an occurrence" basis ("claim made" coverage is not acceptable).
3 (b) Commercial Automobile Liability (owned, non-owned and hired): \$1,000,000 combined single limit
4 per occurrence for bodily and personal injury including sickness, disease or death, injury to or
5 destruction of property, including loss of use resulting therefrom.
6 (c) Workers' Compensation and Employers Liability: Workers' Compensation limits are required by the
7 State of Georgia and Employers Liability of \$1,000,000 per occurrence or disease.
8 (d) Commercial Umbrella or Excess Liability Coverage: \$2,000,000 per occurrence / \$2,000,000 General
9 Aggregate in liability excess coverage per occurrence above the contracts stated minimum coverage
10 limits for Commercial General Liability, Commercial Automobile Liability, and Workers'
11 Compensation and Employers Liability policies of insurance. This may be satisfied by having
12 underlying liability limits that equal or exceed the combined amount of the underlying liability limits
13 and umbrella coverage. Umbrella is to be written on a follow-form basis to the underlying coverage.
14 (e) Garage Keepers Liability Coverage: \$250,000 per occurrence with a deductible not to exceed \$2,500.
15 (f) Cargo Coverage: \$100,000 per occurrence with a deductible not to exceed \$2,500.
16

17 The Certificate of Liability Insurance shall be provided to the Cobb County Police Department Regulatory
18 Services / Permits Unit within five business days of award and at any time requested thereafter. If there
19 is a loss and the wrecker service's insurer does not pay the vehicle or property owner suffering loss,
20 theft or damage within a reasonable period of time, then the wrecker service shall be liable to the
21 owner for his loss.
22 ...
23

24 **Sec. 126-62. - Fee schedule—Adoption; notice; public hearing.**
25 ...

26 (f) Other applicable requirements:
27 ...

- 28 (1) During a declared state of emergency for the county, reduced fee schedules may be negotiated
29 between the county and any zone provider so as to meet the needs of public safety, i.e. moving
30 abandoned/vacated vehicles to allow access for emergency vehicles.
31 ...
32
33

34 **CHAPTER 134 – ZONING**

35 **ARTICLE I. – IN GENERAL**

36 **Section 134-1 Definitions**
37 ...

38 Assembly Hall means a facility and/or grounds where scheduled events and gatherings take
39 place that are normally one-time events for organizations or people including, weddings, birthday
40 parties, graduation parties, religious milestone celebrations, holiday parties, private parties, corporate
41 meetings and the like. Assembly halls may have large open rooms or banquet halls, which may have live
42 or recorded music or entertainment, and which may have freshly prepared or catered food and
43 beverage.
44 ...

45 Club or lodge, private means a building and facilities owned or operated by a corporation,
46 association or person for a social, educational or recreational purpose, but not primarily for profit or to
47 render a service which is customarily carried on as a business and shall not include amenity packages

~~and areas of subdivisions; provided however, a building or facilities constructed as part of the amenity package for a subdivision does not fall within this definition. While a permitted use in most residential zoning districts, a club or lodge, private shall not be allowed within a platted subdivision or to render a service which is customarily carried on as a business and shall not include amenity packages and areas of subdivisions.~~

...

Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, prepared foods, beverages, household items and other goods commonly associated with such establishments, ~~and having a gross floor area of no more than 3,000 square feet. There shall be no automotive repairs done on site.~~

...

Donation Drop Boxes means any enclosed container or receptacle made of metal, steel, or a similar durable material and designed or intended for the donation and temporary storage of clothing or other materials.

...

Temporary residential dumpster means a temporary storage container or bulk container having a capacity up to forty (40) cubic yards to be used at a single-family attached or detached residential property on temporary basis to accommodate demolition or construction materials.

...

Poultry means a female pullet or hen of the *Gallus gallus domesticus*; also referred to as backyard chickens may be raised for the purpose of providing food or companionship as a pet. *(Scribers note – this definition would be used with the backyard chicken ordinance Option #1 and Option #2)*

...

Single-family dwelling unit. A single-family dwelling unit consists of ...

- (2) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single-family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of ~~three~~ four or less (of the total) parked outside of a garage, carport or the like for properties zoned PRD, OSC, RA-5, R-15, R-20, R-30, and R-40. ~~Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of four or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40.~~ Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of five or less (of the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. Other zoning districts used for single family dwelling units shall have no more than ~~two~~ four vehicles parked outside. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of days in any seven-day period.

...

Self-service fuel sales means any retail establishment offering vehicle fuels for sale whereby individual consumers dispense the fuel product into their own vehicles fuel tank. This use shall permit sales of other retail items including, but not limited to prepackaged food products, prepared foods, beverages, household items and other goods commonly purchased by individual consumers. This use shall not permit tractor trailer truck stops, stand-alone fleet refueling stations and the like.

...

Variance means a modification of the literal provisions of this chapter which the board of zoning appeals ~~or the board of commissioners is are~~ permitted to grant when strict enforcement of such provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought

1 ...

2
3 **ARTICLE II. – ADMINISTRATION AND ENFORCEMENT**

4 **DIVISION 1. – Generally**

5 **Sec. 134-7. – Poultry (option #1)**

6 Poultry shall be permitted on a lot by the zoning division if all of the following requirements are met:

- 7 (1) A minimum of one acre is required
8 (2) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than
9 two acres;
10 (3) Only hens are kept on the property;
11 (4) The poultry shall be kept/maintained within a fenced area to the rear of the house;
12 (5) Coops, or other buildings used for the poultry are considered accessory structures and shall be
13 located at least twenty feet off any property line and/or in compliance with the accessory
14 structure requirements in each zoning district. Where a conflict exists, this section shall control;
15 (6) The owner of the poultry shall keep the property maintained in a fashion that eliminates odors,
16 pollution or other negative effects resulting from the poultry;
17 (7) The poultry shall not cause a nuisance, as defined by state law; and
18 (8) The slaughter of any hen on site is prohibited.
19

20 **Sec. 134-7. – Poultry (option #2)**

21 Poultry shall be permitted on a lot by the zoning division if all of the following requirements are met:

- 22 (1) A minimum of two acres are required;
23 (2) The poultry shall be kept/maintained within a fenced area to the rear of the house;
24 (3) Coops, or other buildings used for the poultry shall be located at least thirty feet off any
25 property line and/or in compliance with the accessory structure requirement in each zoning
26 district;
27 (4) The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the
28 potential negative effects resulting from the poultry, including but not limited to, odors,
29 pollution, noise, insects, rodents and other wild animals;
30 (5) The poultry shall not cause a nuisance, as defined by state law; and
31 (6) The slaughter of any hen poultry on site is prohibited.
32

33 **Secs. 134-78 - 134-30. Reserved.**

34
35 **Sec. 134-37. - Special land use permits.**

- 36 (a) A special land use permit shall be required for the following types of uses of property
37 regardless of the zoning classification or district for the realty:
38 ...
39 (4) Private, parochial or other elementary, middle, junior or high schools which are
40 not a part of the public school system of the state, but which teach the subjects
41 commonly taught in the common schools of the state. This use shall not be
42 permitted in the CF, IF, LI or HI zoning districts.
43 ...

(Poultry option #2)

Sec. 134-36. - Temporary land use permits.

(d) The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit for a period of time in excess of 24 months except on reapplication, readvertisement and public hearing. Land use permits that have been in existence for ten years or more from the adoption date of this amendment will continue to be considered upon each renewal, until the use ceases to operate or is relocated. The following uses are considered uses that are uniquely located and are also considered compatible with adjoining zoning districts and nearby uses that may be considered upon each renewal:

(1) Land use permits for exceptions ...

(5) Poultry on less than two acres subject to the following minimum requirements:

a. There shall be a maximum ratio of one poultry per 5,000 square foot of lot area on any lot less than two acres;

b. Only hens are kept on the property;

c. The poultry shall be kept/maintained within a fenced area to the rear of the house;

d. Coops, or other buildings used for the poultry shall be located at least thirty feet off any property line. Coops are considered an accessory structure and all conditions for accessory structures in that zoning district shall also apply. Where a conflict exists, this section shall control;

e. The owner(s) of the poultry shall keep the property maintained in a fashion that eliminates the potential negative effects resulting from the poultry, including but not limited to, odors, pollution, noise, insects, rodents and other wild animals;

f. The poultry shall not cause a nuisance, as defined by state law;

g. The slaughter of any hen on site is prohibited;

h. The fee for the land use permit for backyard poultry shall be \$150.00 with renewal fees being \$100.00; and

i. The duration of any land use permit approved for poultry as pets or food source shall not exceed two years, renewable for up to two-year terms thereafter.

j. At least two weeks prior to the hearing before the Planning Commission, Applicant shall notify all contiguous property owners in writing. by certified mail, return receipt requested

...

DIVISION 3. – BOARD OF ZONING APPEALS

Sec. 134-94. - Powers.

(a) The board of appeals shall have the power to:

...

(2) Hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter. The following chapters are the only chapters of this code that the board of appeals may consider:

...

Chapter 106, ARTICLE III. - SIDEWALKS

...

(Poultry Option #1)

- (4) If the minimum lot size requirement of Section 134-7 is not met, the board of zoning appeals shall be authorized to hear and make a recommendation to the board of commissioners on reduction of the lot size only. All other requirements of 134-7 must be met or the board of zoning appeals shall not hear the appeal. Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source: "Poultry" meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet. In considering whether to authorize the keeping of poultry as provided in this paragraph, the board of zoning appeals shall take into account the impact upon the adjoining property. For the purposes of this section, adjoining shall mean those properties that are directly contiguous and not separated by a public or private roadway. Further, all such applications recommended by the board of zoning appeals for approval shall be subject to the following requirements:
- a. The poultry shall be kept/maintained within a fenced area to the rear of the house;
 - b. Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;
 - c. The owner of the poultry shall keep the property maintained in a fashion that —eliminates odors, pollution or other negative effects resulting from the poultry;
 - d. The poultry shall not cause a nuisance, as defined by state law;
 - e. There shall be a maximum ratio of one bird per 5,000 square foot of lot area on —any lot less than two acres;
 - f. The slaughter of any hen on site is strictly prohibited;
 - g. The fee for the variance application shall be \$150.00; renewal fees shall be —\$100.00;
 - h. The duration of any variance approved for poultry as pets or food source shall not —exceed two years; renewable for up to two-year terms thereafter;
 - i. Any variance approved for poultry as pets or food source shall be considered by the board of commissioners in accordance with [section 134-271](#). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section.
- a. If the criteria in Section 134-7 are not satisfied, the board of zoning appeals shall be authorized to hear and make a recommendation to the board of commissioners on applications regarding poultry.
- b. The board of zoning appeals and the board of commissioners shall take into account the impact upon the adjoining property. For the purposes of this section, adjoining shall mean those properties that are directly contiguous and not separated by a public or private roadway.
- c. The fee for the variance application for poultry shall be \$150.00 with renewal fees being \$100.00.
- d. The duration of any variance approved for poultry shall not exceed two years; renewable for up to two-year terms thereafter.
- e. Any variance approved for poultry shall be considered by the board of commissioners in accordance with section 134-271. The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section.

(Poultry Option #2)

(4) ~~Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source. "Poultry" meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet. In considering whether to authorize the keeping of poultry as provided in this paragraph, the board of zoning appeals shall take into account the impact upon the adjoining property. For the purposes of this section, adjoining shall mean those properties that are directly contiguous and not separated by a public or private roadway.~~

Further, all such applications recommended by the board of zoning appeals for approval shall be subject to the following requirements:

- ~~a. The poultry shall be kept/maintained within a fenced area to the rear of the house;~~
- ~~b. Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;~~
- ~~c. The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;~~
- ~~d. The poultry shall not cause a nuisance, as defined by state law;~~
- ~~e. There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;~~
- ~~f. The slaughter of any hen on site is strictly prohibited;~~
- ~~g. The fee for the variance application shall be \$150.00; renewal fees shall be \$100.00;~~
- ~~h. The duration of any variance approved for poultry as pets or food source shall not exceed two years; renewable for up to two year terms thereafter;~~
- ~~i. Any variance approved for poultry as pets or food source shall be considered by the board of commissioners in accordance with [section 134-271](#). The board of commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section.~~

...

DIVISION 4. - REZONING OR LAND USE PERMIT APPLICATIONS

Sec. 134-121. – Generally.

...

(e) Resubmission of rejected/deleted applications.

- (1) If an application for rezoning, land use permit or special land use permit is rejected or deleted to another zoning classification, then any portion of the same property may not again be considered for rezoning, land use permit or special land use permit for a period of 12 months from the date of the board of commissioners' decision. An applicant may reapply for rezoning to a more restrictive classification than the application previously denied, or denied without prejudice, following the expiration of six months in accordance with O.C.G.A. § 36-66-~~54(c)~~, as amended from time to time.

...

DIVISION 5. – PROPERTY MAINTENANCE

Sec. 134-129. ~~Hazardous trees.~~Reserved.

~~Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist (as contracted by a person on adjacent property) shall constitute prima facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree. In the event that the tree is found to be dangerous by the registered forester or certified arborist, the property owner shall be responsible for 50 percent of the cost of such registered forester or certified arborist.~~
...

Secs. 134-1345 – 134-160. - Reserved

ARTICLE IV. – DISTRICT REGULATIONS

Sec. 134-191. – Summary of bulk regulations

TABLE INSET:

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Rural Residential	RR	40,000 sq. ft.	N/A	1.0 avg.	1,050	100 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	25 ft.	35 ft.	25%	35 ft.
Single-Family Detached:														
2 acres	R-80	80,000 sq. ft.	N/A	0.5 avg.	1,600	75/70* ft.	60 ft.	60 ft.	60 ft.	25 or 35 ft.	25 ft.	50 ft.	25%	35 ft.
1 acre	R-40	40,000 sq. ft.	N/A	1.0 avg.	1,450	75/50* ft.	50 ft.	50 ft.	45 ft.	25 or 35 ft.	15 ft.	40 ft.	25% <u>30%</u>	35 ft.
3/4 acre	R-30	30,000 sq. ft.	N/A	1.1 avg.	1,350	75/50* ft.	50 ft.	50 ft.	45 ft.	25 or 35 ft.	12 ft.	40 ft.	25% <u>35%</u>	35 ft.
1/2 acre	R-20	20,000 sq. ft.	N/A	1.75 avg.	1,200	75/50* ft.	40 ft.	40 ft.	35 ft.	25 or 35 ft.	10 ft.	35 ft.	35%	35 ft.
1/3 acre	R-15	15,000 sq. ft.	N/A	2.1 avg.	1,150	75/50* ft.	40 ft.	40 ft.	35 ft.	25 or 35 ft.	10 ft.	30 ft.	35%	35 ft.
1/3.5 acre	R-12°	12,000 sq. ft.	12,000 sq. ft./20 ac.	3.0 avg.	1,000	75/50* ft.	40 ft.	40 ft.	40/25** ft.	15 or 25 ft.	20+ or 5**5 ft.	40+ or 20** ft.	35%	35 ft.
	PRD=°°	See District Regulations. Commencing April 14, 1999, no new applications for rezoning will be accepted by the board of commissioners (Ordinance of April 13, 1999)												
	OSC Overlay	See District Regulations												
Single-Family, Attached or Detached: (If single-family residences are attached, there must be thirty (30) feet between end units)														
Cluster Residential	RA-6°	6,200 sq. ft.	80,000 sq. ft./20 ac.	max. of 6 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	40/20** ft.	20, <u>25</u> or 35 ft.	20+/ 5** ft.	40+/30** ft.	45%	35 ft.
Cluster Residential	RA-5=	7,000 sq. ft.	80,000 sq. ft./20 ac.	max. of 5 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	40/20** ft.	20, 25 or 35 ft.	20+/ 5** ft.	40+/30** ft.	40%	35 ft.
Cluster Residential	RA-4°	8,400 sq. ft.	80,000 sq. ft./20 ac.	max. of 4 u.p.a.	950	70/50* ft.	50 ft.	50 ft.	40/20** ft.	20, 25 or 35 ft.	20+/ 5** ft.	40+/30** ft.	40%	35 ft.
Other Residential														
Residential Duplex	RD	20,000 sq. ft.	N/A	max. of 4 u.p.a.	700/unit	75/50* ft.	50 ft.	50 ft.	35 ft.	25 or 35 ft.	35+/ 10** ft.	35+ or 25** ft.	35% <u>40%</u>	2 stories 35 ft.

PLEASE NOTE THAT ALL CODE AMENDMENTS ARE CONSIDERED TO BE IN DRAFT FORM AND MAY BE
AMENDED UNTIL FINAL APPROVAL BY THE COBB COUNTY BOARD OF COMMISSIONERS

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Multiple-Famil (8 units per acre)	Rm-8=	80,000 sq. ft.	N/A	max. of 8 u.p.a.	1BR, 600sf 2BR, 750sf 3BR, 900sf E -450sf	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	40 ft.	25% <u>45%</u>	3 and 4 stories 40 ft.
Fee Simple Townhouse; Maximum 6 units per row	FST	80,000 sq. ft.	20 acres	max. of 10 u.p.a.	1BR-900sf 2BR-1,000sf	20/End Unit 30 ft.	50 ft.	50 ft.	35 or 25** ft.	25 or 35 ft.	40+/10**/0+ ft.	35+ or 25** ft.	30% <u>45%</u>	2 1/2 stories 35 ft.
Multiple-Famil (12 units per acre)	RM-12=	80,000 sq. ft.	N/A	max. of 12 u.p.a.	1BR, 600sf 2BR, 750sf 3BR, 900sf E, 450sf	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	40 ft.	35% <u>45%</u>	3 and 4 stories 40 ft.
Multiple-Famil (16 units per acre)	RM-16°	80,000 sq. ft.	N/A	max. of 16 u.p.a.	1BR, 600sf 2BR, 750sf 3BR, 900sf E 450sf	75 ft.	75 ft.	50 ft.	50 ft.	35 ft.	35 ft.	40 ft.	35% <u>45%</u>	3 and four stories 40 ft.
Residential Mid-Rise	RMR°	40,000 sq. ft.	N/A	33/N/A	N/A	60 ft.	75 ft.	50 ft.	50 ft.	35 or 25 ft.	35 ft.	40 ft.	35%	75 ft.
Residential High Rise	RHR°	80,000 sq. ft.	N/A	66/N/A	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	40 ft.	40 ft.	FAR <u>45%</u>	16 stories
Mobile Home Park	MHP	See District Regulations												
Mobile Home Subdivision	MHP/S	See District Regulations												
Suburban Condominium	SC	5 acres	5 ac./20 ac.	Max. of 5 u.p.a.	N/A	75 ft.	50 ft.	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	55%	2 stories 35 ft.
Urban Condominium	UC	N/A	10 ac.	N/A	N/A	75 ft.	50 ft.	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	55%	N/A
Residential Senior Living Facilities	RSL	N/A	3 ac./N/A	.50 NAC .75 CAC 2.0 RAC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 stories--NAC CAC 4 stories--RAC

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1

District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Office:														
Low-Rise Office	LRO	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.		
Office/Service	OS	40,000 sq. ft.	N/A	N/A	N/A	75 ft.	50 ft.	50 ft.	50 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Office/Institution	OI	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	4 stories
Office Mid-Rise	OMR	40,000 sq. ft.	N/A	N/A/.75 office .25 retail	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	35 ft.	40 ft.	N/A	8 stories or 104 ft.
Office High-Rise	OHR	80,000 sq. ft.	N/A	2.0 office .25 retail	N/A	60 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	40 ft.	40 ft.	N/A	In excess of 9 stories requires BOC approval; 23 stories max.
Commercial														
Limited Retail Commercial	LRC	20,000 sq. ft.	N/A	N/A/.057 office	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Neighborhood Retail Commercial	NRC	20,000 sq. ft.	N/A	N/A/.5 office	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Community Retail Commercial	CRC	20,000 sq. ft.	N/A	N/A/.5 office .25 retail	N/A	75 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	50 ft.
Neighborhood Shopping	NS	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.	N/A	35 ft.
Planned Shopping Center	PSC	200,000 sq. ft.	5 ac./N/A	N/A	N/A	200 ft.	100 ft.	100 ft.	--	50 ft.	50 ft.	50 ft.	N/A	75 ft.
General Commercial	GC	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	4 stories
Tourist Services	TS	20,000 sq. ft.	N/A	N/A	N/A	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.	N/A	4 stories

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District	Designation	Min. Lot Area	Min./Max Acreage Required	Units per Acre/ Max. FAR	Min. Floor Area (sq. ft.)	Min. Lot Width at Front Setback	Minimum Front Yard Setback ¹			Major Side Yard ²	Min. Side Yard ³	Min. Rear Yard ⁴	Max. Coverage (%)	Max. Height
							Arterial	Collector	Local					
Urban Village Commercial	UVC	20,000 sq. ft. <u>2 ac.</u>	N/A	N/A	See District Regulations	60 ft.	50 ft.	40 ft.	40 ft.	25 or 35 ft.	10 ft.	30 ft.		40 ft.
Planned Village Commercial	PVC	20,000 sq. ft. <u>200,000 sq. ft.</u>	N/A	50 ac./N/A	See District Regulations	75 ft. <u>200 ft.</u>	50 ft.	40 ft.	40 ft.	25 or 35 ft.	15 ft.	30 ft.		
Industrial														
Light Industrial	LI	40,000 sq. ft.	N/A			100 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	30 ft.		4 stories
Heavy Industrial	HI	40,000 sq. ft.	N/A			150 ft.	75 ft.	50 ft.	50 ft.	25 or 35 ft.	20 ft.	40 ft.		4 stories

Explanation of Symbols

- * Distance required fronting cul-de-sac
- ** Distance if ~~inferior~~ interior portion of development (interior shall be considered the portion which does not abut an exterior property boundary)
- + Distance if not interior portion of development
- ‡ Attached units
- ° Commencing April 4, 1996 no new applications for rezoning will be accepted by the board of commissioners for these districts (Ordinance of February 27, 1996)
- °° Commencing April 14, 1999 no new applications for rezoning will be accepted by the board of commissioners (Ordinance of April 13, 1999)
- = The overall density of the development may be reduced due to the topography, drainage, deforestation or sediment and erosion concerns (Ordinance of February 27, 1996)

Notes:

1. Minimum front yard setback is measured from the future public right-of-way (see diagrams within each district for specific setback requirements).
2. Major side yard setback is measured from the future public right-of-way (see diagrams within each district for specific).
3. See diagrams within each district for specific setback applications.
- ~~4. See diagrams within each district for specific setback applications.~~
- ~~5.~~ R-12 District requires 15 feet between dwellings.
5. BR=Bedrooms; E= efficiency apartment; sf or sq. ft.= square feet
6. In the event of a conflict between the summary charts or diagrams, the chart shall prevail.

Sec. 134-202.1. ~~CCRC continuing care retirement community district.~~ Reserved.

The regulations for the continuing care retirement community (CCRC) are as follows:

~~(1) Purpose and intent.~~ The CCRC district is established to provide multistage living and care for senior citizens, including facilities for recreation, exercise, and outside living. Common interior areas in supported facilities will provide social spaces, indoor recreation/wellness facilities, and food service/dining support. The exterior of the development will provide an orderly and tranquil setting. Uses that would encourage busy traffic and commerce from the general public are excluded. This use intends that residents will be long term, except for moves within the multistage care facility. The transition from the project to neighboring open land and residences must be carefully buffered and must have adequate building setbacks to protect the quiet enjoyment of adjoining and nearby property. The height of facilities must consider the surrounding built, and zoned but not yet built properties. Generally, higher buildings should be separated by distance, buffering, and other structures from neighboring uses. Higher facilities shall be in the center of the project and buildings with height similar to the neighbors shall separate taller structures from neighbors on the project perimeter. More intense project designs are acceptable in RACs, CACs, HDR, and industrial compatible areas, as defined in subsection (4)a. The board of commissioners has determined that any project approved as a CCRC shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the CCRC project. Those properties outside of the boundaries of a CCRC project must provide uses compatible with other surrounding properties that are outside of the CCRC.

~~(2) Defined.~~

a. ~~Continuing care retirement community~~ means a community, each unit of which is designed for and occupied by those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time that provides a range of housing and lifestyle needs, including independent living, assisted living, and skilled nursing care in an integrated system.

b. ~~CCRC residents are provided housing, services, and care through the provisions of a continuing care contract. The contract sets forth the accommodations, services, amenities and care the facility is to provide, and the financial obligations of the residents. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's needs evolve (provided the resident meets contract obligations).~~

c. ~~Continuing care retirement communities provide supportive and nonsupportive facilities that may include detached and attached dwelling units (single and multistory).~~

d. ~~CCRCs must provide independent living, assisted living, and skilled care nursing.~~

e. ~~CCRCs must have facilities dedicated to the wellness of the residents such as:~~

1. ~~Indoor wellness amenities including:~~

~~Game rooms for table games and socializing.~~

~~Billiard rooms.~~

~~Dance hall/dining and event hall.~~

~~WII lounge (various video entertainments and lectures).~~

~~Computer room, also classroom.~~

~~Exercise/weight-lifting rooms.~~

~~Lapping pool for exercise, water games and aqua therapy.~~

~~Spas and/or hot tubs for aqua therapy.~~

~~Hobby shops (crafts, woodworking, modeling, art, etc.).~~

1. Open air facilities, protected by roof:

- ~~1 Bocce courts, clay style.~~
- ~~2 Shuffleboard courts.~~
- ~~3 2. Outdoor wellness amenities including:~~
- ~~4 Lawn sports.~~
- ~~5 Golf course.~~
- ~~6 Bocce courts, grass style*.~~
- ~~7 Lawn bowls*.~~
- ~~8 Croquet courts*.~~
- ~~9 Horseshoes.~~
- ~~10 Badminton courts.~~
- ~~11 Volleyball courts.*~~
- ~~12 Bocce, lawn bowls and croquet can all be played on the same well-groomed, flat grass lawn.~~
- ~~13 Artificial turf can also be used.~~
- ~~14 f. CCRCs may also include accessory uses within the community that provide services primarily to~~
- ~~15 the residents and employees to enhance the convenience of residents who prefer to remain on~~
- ~~16 site.~~
- ~~17 (3) Permitted uses.~~
- ~~18 a. Anything not permitted or allowed by special exception is prohibited.~~
- ~~19 b. The permitted accessory retail uses and related functions must be sized in relation to the size~~
- ~~20 and resident population of the CCRC living spaces. That means that, while they may sell to~~
- ~~21 employees and occasional visitors, the accessory uses will not be sized or located in a fashion to~~
- ~~22 encourage general public product sales or service as a primary use. Any commercial use will be~~
- ~~23 interior to the primary buildings and not a separate building. There will be no commercial~~
- ~~24 appearances of the accessory retail uses visible from outside the project.~~
- ~~25 c. Permitted accessory uses include:~~
- ~~26 Administrative offices for any accessory use.~~
- ~~27 Ambulance and medical transport services.~~
- ~~28 Athletic and health clubs.~~
- ~~29 Bakery.~~
- ~~30 Banks and financial institutions.~~
- ~~31 Beauty and barber shops.~~
- ~~32 Beverage shop.~~
- ~~33 Bookstore.~~
- ~~34 Butcher shop.~~
- ~~35 Camera shop.~~
- ~~36 Chapels and other places of worship.~~
- ~~37 Clinics.~~
- ~~38 Clothing shop.~~
- ~~39 Community and cultural meetings.~~
- ~~40 Dance studio.~~
- ~~41 Delicatessen.~~
- ~~42 Dry goods shop.~~
- ~~43 Eating and drinking places.~~
- ~~44 Film developing and printing.~~
- ~~45 Florists.~~
- ~~46 Garden plots.~~
- ~~47 Gifts and stationary shop.~~
- ~~48 Golf cart parking, sales and service.~~

- ~~1 Grocery items.~~
- ~~2 Hospice care.~~
- ~~3 Jewelry shop.~~
- ~~4 Laundry and dry cleaning pickup.~~
- ~~5 Medical and dental laboratories (provided that no chemicals are manufactured on-site).~~
- ~~6 Pet care/short term boarding (no outside runs).~~
- ~~7 Pharmacies.~~
- ~~8 Professional offices.~~
- ~~9 Recreation grounds.~~
- ~~10 Rehabilitative services.~~
- ~~11 Self-service laundry.~~
- ~~12 Storage for residents' personal items.~~
- ~~13 (4) Lot size and setback requirements.~~
 - ~~14 a. Requirements applicable to CCRCs within RAC, CAC, HDR, and industrial compatible areas as~~
~~15 shown on the future land use plan:~~
 - ~~16 1. Minimum lot size of ten acres. Smaller lot sizes may be considered when the applicant can~~
~~17 demonstrate that there will be no significant negative impact to adjacent residential~~
~~18 properties or no adverse precedent established because of a combination of existing~~
~~19 circumstances/factors including but not limited to:~~
 - ~~20 • Property is located in an area identified by Cobb County for redevelopment initiatives.~~
 - ~~21 • Project utilizes structured or underground parking, which could reduce the required~~
~~22 acreage needed to accommodate surface parking.~~
 - ~~23 • Access considerations, including number of lanes.~~
 - ~~24 • Building height is increased which lowers impervious surface and floor area ratio to a~~
~~25 level similar to what could be established on a larger tract of land.~~
 - ~~26 • Project proposes units that are specially designed for "workforce" housing. For the~~
~~27 purpose of this section, "workforce" housing shall mean units intended for occupancy by~~
~~28 households earning no more than 80 percent of the Atlanta Metropolitan Statistical~~
~~29 Area's (MSA) median household income, as may be adjusted from time to time.~~
 - ~~30 2. Minimum building setback shall be 50 feet when adjacent to property shown as residential~~
~~31 on the Future Land Use Map, otherwise the setback will be the same as required for the~~
~~32 immediately adjoining property.~~
 - ~~33 3. Maximum building height will be four stories (CAC, HDR and IC), unless it can be~~
~~34 demonstrated (due to topography, etc.) that a greater height does not impact the view shed~~
~~35 of the adjacent residential property.~~
 - ~~36 4. Maximum building height will be five stories (RAC), unless it can be demonstrated (due to~~
~~37 topography, etc.) that a greater height does not impact the view shed of the adjacent~~
~~38 residential property.~~
 - ~~39 5. Building height may be determined by the board of commissioners on a case-by-case basis,~~
~~40 taking into consideration the view sheds, setbacks, and height of buildings on nearby~~
~~41 property.~~
 - ~~42 6. When building height is increased, maximum impervious surface should be less than 70~~
~~43 percent maximum required in use limitations.~~
 - ~~44 7. Project must have building orientation and land use transitions that provide for the least~~
~~45 intense uses to be adjacent to adjoining properties with more restricted zoning districts.~~
 - ~~46 b. Requirements applicable to CCRCs within NAC, MDR, P/I, LDR and VLDR (not permitted in RR)~~
~~47 areas as shown on the future land use plan:~~

1. ~~Minimum lot size of 20 acres. Smaller lot sizes may be considered when the applicant can demonstrate that there will be no significant negative impact to adjacent residential properties or no adverse precedent established because of a combination of existing circumstances/factors including but not limited to:~~
 - ~~Property is located in an area identified by Cobb County for redevelopment initiatives.~~
 - ~~Project utilizes structured or underground parking, which could reduce the required acreage needed to accommodate surface parking.~~
 - ~~Access considerations, including number of lanes.~~
 - ~~Building height is increased which lowers impervious surface and floor area ratio to a level similar to what could be established on a larger tract of land. When building height is increased, maximum impervious surface should be less than 70 percent maximum required in use limitations.~~
 - ~~Project proposes units that are specially designed for "workforce" housing. For the purpose of this section, "workforce" housing shall mean units intended for occupancy by households earning no more than 80 percent of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.~~
2. ~~Minimum setback 50 feet when adjacent to property shown as residential on the future land use map, otherwise the setback will be the same as required for the immediately adjoining property.~~
3. ~~Maximum height of buildings will be two stories, unless it can be demonstrated (due to topography, etc.) that a greater height does not impact the view shed of the adjacent residential property.~~
4. ~~Building height of up to four stories may be determined by the board of commissioners on a case-by-case basis, taking into consideration the view sheds, setbacks, and height of buildings on nearby property.~~
5. ~~When building height is increased, maximum impervious surface should be less than 70 percent maximum required in use limitations.~~
6. ~~Project must have building orientation and land use transitions that provide for the least intense uses to be adjacent to adjoining properties with more restricted zoning districts.~~
7. ~~When any building is within 100 feet of the perimeter of the project and is contiguous to less dense residentially zoned property, that building will consist of single-family, duplex, triplex or quadraplex units not exceeding one and one-half stories in height.~~
- (5) ~~Community open space, landscape buffer and screening requirements.~~
 - a. ~~The overall community open space and landscape plan shall be approved by the board of commissioners in accordance with county guidelines contained in Cobb County Development Standards, including a minimum of the project acreage designated for usable community trails, recreation, outdoor wellness amenities and open space as follows (the minimum acreages designated below are in addition to any acreage associated with required perimeter buffers):~~
 1. ~~For CCRCs in RAC, HDR, CAC, and industrial compatible areas as shown on the future land use plan, a minimum of one acre or ten percent of the project, whichever is larger.~~
 2. ~~For CCRCs within NAC, MDR, P/I, LDR and VLDR (not permitted in RR) areas as shown on the future land use plan, a minimum of two acres or ten percent of the project whichever is larger.~~
 - b. ~~The landscape plan must provide minimum natural maintained buffers or landscaped buffers (or a combination of the two) of a depth equal to half of the building line setback on all exterior boundaries. These buffers may not contain a roadway or other structures other than perpendicular crossings by required road or utility entrances to the site.~~

- ~~(6) *Sidewalk and pedestrian amenities.* All sidewalks and curb ramps along public roadways and any major internal private roadways must be ADA compliant. Sidewalks should generally be wide enough to accommodate passing wheelchairs. Street-side sidewalks must run along any public road frontage, and the internal sidewalk system must connect to any network of sidewalks or trails that lead to public facilities beyond, to encourage interaction between residents of the CCRC and surrounding communities. Any joint use path (i.e., golf cart and pedestrian) must be at least ten feet wide.~~
- ~~(7) *Floodplain/wetlands preservation requirements.* Any development must meet all state and federal requirements relating to floodplains and wetlands. The board of commissioners encourages preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas.~~
- ~~(8) *Building and structure requirements.*~~
- ~~a. The minimum size of the independent living units will be 400 square feet of conditioned space including bath, closet, food preparation and toilet facilities.~~
 - ~~b. The minimum size of the assisted living units will be 330 square feet of conditioned space including bath, closet, food preparation and toilet facilities.~~
 - ~~c. The minimum size of the skilled care units will be as required by State of Georgia regulation including closet and toilet facilities.~~
 - ~~d. Dual occupancy units shall be at least 130 percent of the minimum size.~~
 - ~~e. Architectural style will be approved by the board of commissioners in accordance with county guidelines contained in Cobb County Development Standards, and in keeping with the surrounding property.~~
 - ~~f. No signage associated with any permitted accessory retail use may be visible from outside of the project or visible from any public roadway adjacent to the project.~~
- ~~(9) *Parking requirements.*~~
- ~~a. Parking areas will be sized for use of the residents, employees, and reasonable visitors. Parking will not be sized to accommodate general public commercial or retail use.~~
 - ~~b. Each independent living unit must have at least one attached garage parking space, or a 20-foot long off-street space.~~
 - ~~c. Each assisted living and each nursing care unit must have at least five-tenths of a parking space.~~
 - ~~d. See section 134-272 for paved parking specifications.~~
- ~~(10) *Lighting requirements.* Any project permitted within the CCRC district which proposes any outdoor lighting, except individual residential lots, must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.~~
- ~~(11) *Special exception uses.* N/A~~
- ~~(12) *Use limitations.*~~
- ~~a. All CCRCs will be subject to site plans approved by the board of commissioners. The board of commissioners has determined that any project approved as a CCRC shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the CCRC project. Those properties outside of the boundaries of a CCRC project must provide uses compatible with other surrounding properties that are outside of the CCRC.~~
 - ~~b. CCRCs must provide independent living, assisted living and skilled nursing care services (all three) on the site. All three services must be operational within three years of date that initial certificate of occupancy is issued. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's situation evolves (providing that the resident meets contract obligations).~~
 - ~~c. Proposal must obtain a valid certificate of need from the State of Georgia.~~

- d. ~~Proposal must obtain a valid certificate of authority from the Georgia Insurance Commissioner.~~
 - e. ~~Required certificate of need and certificate of authority from the State of Georgia must be current when final certificates of occupancy are issued.~~
 - f. ~~Project must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).~~
 - g. ~~The CCRC application shall include documentation of road access to nearby medical centers with emergency services.~~
 1. ~~Good access to acute emergency care will be encouraged.~~
 2. ~~The CCRC must be within five miles of an acute medical care center, unless the facility provides its own emergency response to all residents.~~
 - h. ~~Signage for any CCRC project must be ground-based monument type. No electronic signs are to be constructed within the CCRC district.~~
 - i. ~~The project must include a legal instrument, containing the following minimum provisions:~~
 1. ~~Restrictions on units being occupied by persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time.~~
 2. ~~Responsibility for maintenance of infrastructure, common areas, buffers and recreation areas.~~
 3. ~~Responsibility for insurance and taxes.~~
 4. ~~Compulsory inclusion of all residents.~~
 5. ~~Automatic extension of covenants to any accessory business operator or other contractual building occupant.~~
 6. ~~Restriction of time of commercial deliveries and dumpster pickup (not earlier than 8:00 a.m. and not later than 8:00 p.m.).~~
 7. ~~The project must provide operational declarations that include monthly services provided to residents in relation to monthly fees, including, but not limited to, specific details of wellness, dietary and educational programs.~~
 - j. ~~Overall site plan must meet applicable fire and life safety requirements as approved by the Cobb County Fire Marshal.~~
 - k. ~~Maximum impervious surface shall be 70 percent, unless building heights have been increased or development is proposed on slopes greater than 25 percent. Applicants should demonstrate a decrease in impervious surface when building heights are increased or when proposing development on slopes greater than 25 percent.~~
- ~~(13) Accessory buildings. As shown on the site plan approved by the board of commissioners.~~
~~(Ord. of 6-24-08)~~

Sec. 134-203. - RSL residential senior living district.

The regulations for the RSL residential senior living facilities district are as follows:

- (1) *Purpose and intent.* The RSL district is established to provide locations for the development of appropriate housing for the population 55 and older. In order to insure that older Cobb County residents can live in attached or detached dwelling units and/or multistage housing and care facilities appropriate to their specific needs, the following regulations are designed to facilitate development which addresses the decreasing mobility, changing health and distinct consumer preferences of the older adult market. These uses shall not be established as a precedent for any other residential or nonresidential district.

(2) *Definitions.*

Accessory retail uses in RSL means retail sales and personal services intended for the residents or their guests within a RSL facility. These uses shall include eating and drinking establishments, barber shops, beauty shops, laundry and dry cleaning pickup establishments, newsstand, florist, gift shop, film developing and printing stores, stationary stores and convenience food store (no fuel sales). This use shall also allow clinics for medical and dental care, and storage for the residents personal items. Every public entrance shall be from inside the primary building, no show window, advertising or display be visible from the exterior of the primary building and no signage visible from a public road.

Nonsupportive facilities means individual housing units (attached or detached) designed for senior adults that do not include or provide any type of supportive services such as transportation, medical care, food preparation and the like.

Supportive facilities means individual housing units designed for senior adults that include or provide supportive services such as transportation, medical care, food preparation and the like. This use may include assisted living, skilled nursing care and hospice care.

(4) *Lot size and setback requirements.* (See Section 134-203.1, and Section 134-203.2 and Section 134-203.3 for applicable use limitations.)

(5) *Landscape buffer and screening requirements.* Unless otherwise noted within this district's requirements, any property within an RSL district which abuts a more restrictive residentially zoned property shall have a minimum 20-foot (nonsupportive) or 40-foot (supportive) landscaped screening or maintained natural buffer adjacent to all residential property.

(7) *Building and structure requirements.* (See Section 134-203.1, and Section 134-203.2 and Section 134-203.3 for applicable use limitations)

(8) *Parking requirements.* (See Section 134-203.1, and Section 134-203.2 and Section 134-203.3 for applicable use limitations)

(13) Supportive and nonsupportive uses may be included and/or developed together on the same property in order to encourage multistage housing and care options for senior citizens. Ownership may be in fee simple, for lease, or via a contract which allows movement between lifestyle choices (levels of support and care) as the individual residents needs evolve (provided the resident meets contract obligations). When used together, the project shall be designed to place the least intense part of the project adjacent to the more restrictive zoning districts, and the more intense, higher structures shall be placed in the center of the project to reduce the impact to the adjacent and nearby uses.

Sec. 134-203.1. - RSL supportive residential facilities.

The regulations for the RSL supportive residential facilities in addition to all section 134-203 regulations are as follows:

(1) *Purpose and intent.* The RSL supportive residential facilities district is established to provide locations for the development of supportive residential living facilities, for tenants age 55 and older which shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within properties delineated as a regional activity center, community activity center, ~~or~~ neighborhood activity center, or high density residential as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. This residential use is also designed to function as a cut-off for nonresidential uses within an activity center and a transitional use to residential uses adjoining activity centers.

(2) ~~Definitions. (Not applicable)~~ See Sec. 134-203.

(11) ~~Use limitations.~~

b. A maximum of 100 units for supportive/~~assisted~~ living facilities, and a maximum of 200 units for an ~~supportive/independent~~ nonsupportive living facility when located within a neighborhood activity center or community activity center as shown on the county comprehensive plan, as may be amended from time to time. A maximum of 300 units for supportive/~~assisted~~ living facilities, and a maximum of 400 units for an ~~supportive/independent~~ nonsupportive living facility when located within a regional activity center or high density residential as shown on the county comprehensive plan, as may be amended from time to time.

f. Architectural style, roof pitch and building height to be approved by the board of commissioners based upon size of tract and surrounding uses. Thirty-five feet is the maximum building height when located in a neighborhood activity center or community activity center as shown on the county comprehensive plan, as may be amended from time to time. Fifty feet is the maximum building height when located in a regional activity center or high density residential as shown on the county comprehensive plan, as may be amended from time to time.

~~l. Ancillary retail uses shall be permitted for occupants and their guests only. Accessory retail uses in RSL is a permitted use.~~

q. When an RSL supportive facility is located within a community activity center or high density residential, the maximum floor area ratio is 0.75.

t. Maximum impervious surfaces (80 percent—RAC, 70 percent—CAC, HDR and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.

w. The supportive use must have indoor and/or outdoor amenities dedicated to the physical and mental wellness of the residents such as: game rooms, billiard rooms, event hall, computer room, classrooms, exercise/ weight training room, swimming pool, spas and/or hot tubs for aquatherapy, hobby rooms, open air facilities, bocce courts, shuffleboard courts, lawn sports, walking trails, gardens, and the like.

Sec. 134-203.2. - RSL nonsupportive residential units. ~~Modified~~

The regulations for the RSL nonsupportive residential units, in addition to all section 134-203 regulations are as follows:

(2) ~~Definitions. (Not applicable)~~ See Sec. 134-203.

(11) ~~Location criteria, design criteria and use~~ Use limitations.

j. A mandatory owners association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include declaration and bylaws, including rules and regulations, subject to staff review and

approval. The declaration and bylaws shall not be enforced by the county. The declaration and bylaws shall, at a minimum, regulate and control the following:

- k. All units must have an attached garage, which must be used for vehicle parking only. Minimum of two parking spaces per unit that may be in the driveway or garage.
- n. Any RSL nonsupportive residential units project must be located along an arterial or collector roadway (as defined by the Cobb County Major Thoroughfare Plan, as may be amended from time to time).
- q. At least 50 percent of each individual dwelling unit's facade must be constructed with brick, stucco, stone, shakes, board and batten or other hardened surface.
- s. Maximum building height of two stories, or 35 feet.

Sec. 134-203.3. - RSL nonsupportive urban rental units. Modified

The regulations for the RSL nonsupportive residential urban rental units, in addition to all section 134-203 regulations are as follows:

- (1) *Purpose and intent.* The RSL nonsupportive urban rental units is established to provide locations for the development of mid-rise dwelling units (up to eight stories) limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use must be located within a regional activity center or high density residential area as defined by the Cobb County Comprehensive Plan, as may be amended from time to time.

- (2) *Definitions.* ~~(Not applicable)~~ See Sec.134-203

- (3) *Permitted uses.* Anything not permitted or allowed by special exception is prohibited. Permitted uses are as follows:

Attached residential units.

Detached residential units

~~Neighborhood retail uses provided that the total square footage of the uses does not exceed ten percent of the total floor area of the structure(s).~~ Accessory retail uses in RSL. Further provided that no adult entertainment uses or automotive uses shall be allowed.

- ~~(11) Location criteria, design criteria and use.~~ Use limitations.

- i. All units must have access to a parking garage or similar on-site parking facility. Parking shall be provided at 1.25 spaces per unit.

- (13) Maximum building height is eight stories.

- (14) A 30-foot perimeter building setback must be provided to all adjacent residentially zoned properties. This perimeter setback may include required buffers. A 20-foot setback shall be required adjacent to any public roadway or non-residentially zoned property. Minimum setbacks may be increased by the board of commissioners based on existing conditions such as tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses.

Sec. 134-213. NRC neighborhood retail commercial district.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~b. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments and having a gross floor area of no more than 3,000 square feet. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

Community fairs.

Convenience food stores with self-service fuel sales, ~~provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~

Cultural facilities.

Self-service fuel sales.

Sec. 134-218. CRC community retail commercial district.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~e. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

Assembly Halls.

Community fairs.

Convenience food stores with self-service fuel sales, ~~provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~

Cultural facilities.

Self-service fuel sales.

Sec. 134-225. PSC planned shopping center district.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~e. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

...

Convenience food stores with self-service fuel sales, ~~provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~
Cultural facilities.

...

Self-service fuel sales.

...

Sec. 134-226. TS tourist services district.

...

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~f. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

...

Community fairs.
Convenience food stores with self-service fuel sales, ~~provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~
Cultural facilities.

...

Self-service fuel sales.

...

Sec. 134-227. GC general commercial district.

...

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~h. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

...

Convenience food stores with self-service fuel sales, ~~provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~
Cultural facilities.

...

Self-service fuel sales.

...

Sec. 134-228. RRC regional retail commercial district.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~d. Convenience food store with self-service fuel sales means any retail establishment offering for sale automotive fuels, prepackaged food products, beverages, household items and other goods commonly associated with such establishments. There shall be no automotive repairs done on-site.~~

(3) *Permitted uses.* Permitted uses are as follows:

Community fairs.

~~Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.~~

Cultural facilities.

Self-service fuel sales.

Sec. 134-230. - LI light industrial district.

(3) *Permitted uses.* Permitted uses are as follows:

Farmers' markets (fully enclosed).

Film and Movie studios.

Freight terminals.

Sports training facilities.

Sec. 134-231. - HI heavy industrial district.

(3) *Permitted uses.* Permitted uses are as follows:

Farm equipment stores and repair establishments.

Farm and garden supply stores.

Film and Movie studios.

Freight terminals.

Sports training facilities.

ARTICLE V. – SUPPLEMENTAL REGULATIONS

134-287. – Donation Drop boxes

The purpose of this chapter is to regulate the placement of unattended donation drop boxes within unincorporated areas of the county. The procedures and requirements of this chapter are

intended to: promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property; ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic; ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and establish criteria that avoid attracting vermin, unsightliness, and public health hazards. Donation drop boxes shall be subject to the following:

(1) Registration required.

a. All existing donation drop boxes erected on land within unincorporated areas of the county shall, within 180 days of the effective date of this ordinance, be registered with the Community Development Agency. New donation drop boxes erected in unincorporated Cobb County, or donation drop boxes existing prior to February 23, 2015, that is relocated on any lot within unincorporated Cobb County, shall register with the Community Development Agency. Registration of the donation drop boxes shall be accompanied by:

- i. Written approval from the property owner consenting to the placement of the donation drop box(es) on their property. This approval must include the name, physical address and phone number of the property owner;
- ii. A site plan or drawing depicting the size (height, width, and length) and location of any and all donation drop boxes located on the property; and
- iii. Information identifying the organization(s) responsible for maintenance and monetary proceeds of the donation drop box(es), including a physical address, contact name, phone number, and website (if applicable) for the organization(s).

b. Donation drop boxes not registered with the community development agency within the prescribed timeframe shall be removed at the expense of the property owner, and may be subject to enforcement and fines pursuant to Section 134-287(5). For the first year of this program, staff will hold in abeyance any removal of donation drop boxes until March 1, 2017 to provide additional time to educate donation drop box operators and property owners of the requirements of this code.

c. The registration of the donation drop box shall be valid for a period of two (2) years after which the owner or operator of the donation drop box shall be required to reregister with the county.

(2) Design, location safety and maintenance requirements.

- a. Donation drop boxes shall not be allowed in any residential zoning district, except on properties for a places of worship allowed as a special exemption in Sec. 134-271(4).
- b. Donation drop boxes are permitted only on properties where there is an active primary use.
- c. Donation drop boxes shall not be permitted on vacant lots or abandoned property.
- d. Donation drop boxes must be placed on a paved surface and be located to the side or rear of the lot. The location of the Donation drop boxes must meet the minimum setback requirements for the lot and the boxes may not be placed in any fire lane, loading zone, drive aisles or circulation area.
- e. The donation drop boxes are not permitted to be located in a manner that obstructs visibility at intersections per the Cobb County Development Standards or at any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses.
- f. The maximum size for any donation drop box shall be five (5) feet in width by five (5) feet in depth and seven (7) feet in height.
- g. When multiple donation drop boxes are located on an individual property, they must be adjacent to one another. When it is not feasible to place donation drop boxes adjacent to one another, then they must not be located within the same view shed.

- 1 h. The total allowable number of donation drop boxes depend on by the size of the parcel on
2 which the donation drop box is located with the following limitations:
3 i. Property equal to or less than one acre shall have a maximum of one donation drop box.
4 ii. Property greater than one acre shall allow one donation drop box per acre.
5 i. All donation drop boxes must be designed so that they are secured from unauthorized access.
6 j. All donation drop boxes shall have the following clearly identified, in writing on the face of the
7 box:
8 i. Specific Items and materials requested for donation,
9 ii. Information identifying the organization(s) responsible for the maintenance and monetary
10 proceeds of the donation drop box including a contact name, phone number, and website
11 for the organization(s).
12 iii. Statement that no items or materials may be left outside of the box
13 iv. Statement that the box is not intended for refuse disposal and liquids are prohibited. Do
14 not use for garbage, candy or food wrappers, drink bottles etc.
15 v. In addition to the requirements above, the county issued registration sticker shall be affixed
16 to the front face of the donation drop box.
17 k. Each donation drop box must be regularly emptied of its contents so that it does not overflow.
18 l. All donated items must fit and be contained in the donation drop box. Donated items or
19 materials shall not remain or be allowed outside of donation drop boxes and the areas around
20 each box.
21 m. The owner or operator of the donation drop box, as well as the property owner of the parcel,
22 shall be responsible for maintaining the area around each donation drop box so that it is free of
23 litter, garbage, and any other undesirable material.
24 n. Failure to maintain the donation drop box or the area surrounding the donation drop box may
25 result in removal of the donation drop box, at the expense of the property owner and/or owner
26 or operator of the donation drop box, and the property owner and/or owner or operator of the
27 donation drop box shall be prohibited from future donation drop boxes being allowed on this
28 site for a period of five (5) years.
29 o. The property owner may remove the donation drop box from their property at any time
30 regardless of a valid registration by the county.
31 (3) A waiver of the total allowable size and number of donation drop boxes may be requested by
32 submitting a letter to the Community Development Director, or his/her designee, that demonstrates
33 compliance with the following conditions:
34 a. The site is solely occupied by a public, educational, not-for-profit, or religious use or facility
35 b. The location, design, and maintenance of the donation drop box(es) is otherwise in
36 conformance with subsections 134-287(2) and 134-287(3).
37 (4) Notice to violation
38 a. If a violation of Chapter 134-287 is documented, the property owner and/or operator of the
39 donation drop box shall be responsible for ensuring compliance with the regulations of this
40 section.
41 b. With the first violation of Chapter 134-287, the property owner and/or operator of the donation
42 drop box shall be required provide a written plan to the Community Development Agency
43 Director, of his or her designee, to ensure full compliance with the regulations contained in this
44 section within 5 days. The property owner and/or operator of the donation drop box shall be
45 subject to a fine of up to \$100.00.
46 c. With the second violation of Chapter 134-287, the property owner and/or operator of the
47 donation drop box shall be required to show records and logs for compliance with Section 134-
48 287(2) and 134-287(3) and will be required to hire a private company to assist them in ongoing

compliance with this section. The property owner and/or operator of the donation drop box shall be subject to a fine of up to \$500.00.

- d. With the third or any additional violation of Chapter 134-287, the property owner and/or operator of the donation drop box shall be required to remove the donation drop box from the property at the expense of the property owner and/or operator of the donation drop box within thirty (30) days of the notice of violation. The property owner shall be suspended from having a donation drop box at this location for a period of five (5) years and shall be suspended from operating any new donation drop boxes in unincorporated Cobb County for a period of five (5) years. The property owner and/or operator of the donation drop box shall be subject to a fine of up to \$1,000.00.

134-288 Temporary residential dumpsters.

- (1) Only one temporary residential dumpster unit may be placed on a residential property.
- (2) A temporary residential dumpster unit shall only be placed on a hardened surface and shall be located at the furthest point away from the street.
- (3) A temporary residential dumpster unit or similar enclosure is limited to 30 days on a property during any 365 day period beginning on the date of the placement of the unit.
- (4) In no event shall a temporary residential dumpster or similar enclosure be placed in a public street or on the right of way.
- (5) In no event shall a temporary residential dumpster or similar enclosure pose an obstruction for public safety.
- (6) In cases where there is an active building permit to significantly perform a major remodel to an existing home or to construct a new home the temporary residential dumpster unit or similar enclosure may be placed on the property as long as there is an active building permit and work is progressing to the satisfaction of the building official. Only debris from the permitted construction activity is permitted in a temporary residential dumpster. In no event will the temporary residential dumpster unit be allowed to remain on a property for over 180 days. At the time of issuance of a certificate of occupancy or letter of completion the removal of the temporary residential dumpster unit will be required within five days after the issuance date. If no driveway with a hardened surface exists on the property where a new home is being constructed, a gravel pad shall be provided for placement of the temporary residential dumpster to prevent erosion on the site.
- (7) In cases where a hardship can be demonstrated, the director of community development may grant an extension on a property for 30 days. Only three (3) 30-day extensions may be granted at a specific site by the director of community development. Any additional request for an extension may be considered by the board of commissioners zoning hearing as an "other business" agenda item. A hardship may be caused by an accidental or unintentional fire, flood, natural disaster or other circumstances presented on a case by case basis that creates a need for additional time for the unit to remain on the property. The applicant for the extension shall bear the burden of proof to document and demonstrate, in writing, to the director the basis for the required extension.

Secs. 134-28790 – 134-310. – Reserved.

ARTICLE VI. – SIGNS

DIVISION 1. – GENERALLY

Sec. 134-313. - General regulations.

(o) Electronic signs.

(1) The following shall apply to all electronic signs:

j. Electronic signs shall not be allowed in residential zones, except for they may be allowed on properties on five acres or more used for places of religious worship which are located on an arterial roadway (these signs to be in compliance with all other requirements of the sign code and electronic sign code).

(p) Prohibited signs.

(5) Permanent or temporary window signs which ~~collectively~~ cover more than 50 percent of the window glass surface area of each pane of glass.